

The Gazette of India

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No. 41] NEW DELHI, SATURDAY, OCTOBER 8, 1950/ASVINA 16, 1832

NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 28th September, 1950:—

Issue No.	No. and date	Issued by	Subject
186.	S. O. 2348, dated 23rd September, 1950.	Ministry of Commerce and Industry.	Appointing 1st October, 1950 on which the Customs Duties and Cesses (Conversion to Metric Units) Act, 1950 shall come into force.
187.	S. O. 2349, dated 23rd September, 1950.	Do.	Appointing 1st October, 1950 on which the Standards of Weights and Measures (Amendment) Act, 1950 shall come into force.
187-A.	S. O. 2383-A, dated 23rd September, 1950.	Ministry of Finance.	The [Central Civil Services (Revised Pay) Second Amendment Rules, 1950.
188.	S. O. 2389, dated 23rd September, 1950.	Ministry of Commerce and Industry.	Amendments in the Cement Control Order, 1958.
189.	S. O. 2390, dated 24th September, 1950.	Do.	Amendments in the Exports (Control) Order, 1958.
190.	S. O. 2391, dated 27th September, 1950.	Ministry of Education.	Appointing 2nd October, 1950 on which the Delhi Primary Education Act, 1950 shall come into force.
191.	S. O. 2392, dated 28th September, 1950.	Ministry of Information and Broadcasting.	Approval of films specified therein

Issue No.	No. and date	Issued by	Subject
192.	S. O. 2393, dated 28th September, 1960.	Ministry of Labour and Employment.	Determination that the rate of Emigrant Labour Cess in respect of entry into Assam of each assisted emigrant shall be Rs. 8/-.
193.	S. O. 2394, dated 28th September, 1960.	Ministry of Commerce and Industry.	Permitting the continuance of the use by the Army, Navy and Air Force etc., for a further period of six months of any weight or measure which was in use before 1st October, 1960.
	S. O. 2395, dated 28th September, 1960.	Do.	Permitting Cotton Textile mills for further six months the continuance of the use of any measure which was in use before 1st October, 1960.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 3rd October 1960

S.O. 2408.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission, in consultation with the Government of Gujarat, hereby nominates Shri N. D. Buch, I.A.S., Deputy Secretary to the Government of Gujarat, General Administration Department, as the Chief Electoral Officer for the State of Gujarat with effect from the date he takes over charge and until further orders *vice* Shri J. L. Jadeja, I.A.S.

[No. 154/4/60.]

By order,

C. B. LAL, Under Secy.

MINISTRY OF LAW

(Department of Legal Affairs)

New Delhi, the 27th September 1960

S.O. 2409.—In exercise of the powers conferred by clause (1) of article 299 of the Constitution, the President hereby directs that any of the officers specified below may sign and execute on his behalf any application, certificate or other document required or permitted by the provisions of the Loan Agreement

No. 262 IN entered into between India and the International Bank for Reconstruction and Development, on the 29th July, 1960, namely:—

- (i) The Chief Accounts Officer of the India Supply Mission in the United States of America;
- (ii) The Accounts Officer of the India Supply Mission in the United States of America;
- (iii) The First Secretary to the Indian Embassy in the United States of America;
- (iv) The Chief Accounting Officer to the High Commissioner of India, London;
- (v) The Deputy Chief Accounting Officer to the High Commissioner of India, London;
- (vi) The Joint Director, Finance, Railway Board, New Delhi; and
- (vii) The Deputy Director, Finance, Railway Board, New Delhi.

[No. 17(5)/60-J.]

R. S. GAE, Jt. Secy.

MINISTRY OF HOME AFFAIRS

New Delhi-11, the 22nd September 1960

S.O. 2410.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, and after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following amendments in the Central Civil Services (Medical Examination) Rules, 1957, namely:—

In the said Rules,—

- (1) for sub-rule (2) of rule 2, the following sub-rule shall be substituted, namely:—

“(2) On the basis of the opinion expressed by the examining medical authority and subject to the provisions of sub-rule (3), the competent authority may require the Government servant to proceed on leave or, if he is already on leave, to continue to remain on leave, or may retire him from service if he is a permanent Government servant, or may terminate his services if he is a quasi-permanent Government servant.”;

- (2) in sub-rule (3), for the words

“grant of leave and retirement from service”, the words “grant of leave, retirement from service or termination of service” shall be substituted;

- (3) after rule 3, the following rule shall be inserted, namely:—

“3A. A Government servant whose services have been terminated in pursuance of sub-rule (2) of rule 2 may be granted such gratuity as may be admissible under the rules applicable to him on the date of such termination.”

[No. 38/3/59-Ests(A).]

L. M. NADKARNI, Jt. Secy.

New Delhi-11 the 29th September 1960

S.O. 2411.—In exercise of the powers conferred by clause (b) of section 27 of the Indian Arms Act, 1878 (II of 1878), the Central Government hereby cancels the late Home Department notifications No. 21/5/42-Police (C) dated the 5th October, 1942, No. 21/73/42-Police dated the 29th January 1943 and No. 21/5/42-Police (C)/1, dated the 11th February 1943, regarding exclusion from the operation

of all prohibition and directions contained in the said Act, of arms and ammunition imported into, or acquired in, India under the orders of the Governments of the United States of America and the then Republic of China for the use of their Forces in India.

[No. 35/2/60-Police IV.]

C. P. S. MENON, Dy. Secy.

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 24th September 1960

S.O. 2412.—In pursuance of clause (a) of section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), and in supersession of notifications of the Government of India in the Ministry of External Affairs S.O. Nos. 535, 536 and 537, dated the 26th February, 1960 the Central Government hereby authorises—

- (a) the Assistant Commissioner, High Commission of India in the United Kingdom, Birmingham Office, Birmingham;
- (b) the Indian Seaman Welfare Officer and Assistant Commissioner, High Commission of India in the United Kingdom, Glasgow Office, Glasgow; and
- (c) the Indian Seaman Welfare Officer and Assistant Commissioner, High Commission of India in the United Kingdom, Liverpool Office, Liverpool.

to perform the duties of a Vice Consul with immediate effect.

[No. F. 6(1)-Cons/60.]

P. H. DESAI, Under Secy.

MINISTRY OF FINANCE

(Department of Expenditure)

New Delhi, the 23rd September 1960

S.O. 2413.—In pursuance of clause (3) of article 77 of the Constitution and of all other powers enabling him in this behalf, the President is pleased to make the following amendment in the Delegation of Financial Powers Rules, 1958 (published as S.O. 2614 in the Gazette of India dated the 20th December, 1958), namely:—

Amendment No. 68

In Schedule I to the Rules, under 'C-Ministry of External Affairs', the existing entry at serial No. 2, viz., "Controller General of Emigration" may be substituted by the following entry:—

"2. Chief Passport Officer."

This amendment takes effect from the 1st March, 1960.

[No. 19(14)-EII(A)/60.]

S.O. 2414.—In pursuance of clause (3) of article 77 of the Constitution and of all other powers enabling him in this behalf, the President is pleased to make the following amendment in the Delegation of Financial Powers Rules, 1958 (published as S.O. 2614 in the Gazette of India dated the 20th December, 1958), namely:—

Amendment No. 69

In Schedule I to the Rules, the existing sub-head 'X-Andaman & Nicobar Islands Administration' and the entry thereunder may be substituted by the following:—

"X-Union Territories"

- (a) Andaman & Nicobar Islands Administration.

1. Chief Conservator of Forests, Andaman and Nicobar Islands
(b) Himachal Pradesh Administration.
1. Chief Secretary.
2. Development Commissioner.
3. Chief Engineer.
4. Chief Conservator of Forests.
5. Inspector General of Police".

The additions made under (b) above have effect from the 18th August, 1960.

[No. F. 19(15)-EII(A)/60.]

(Department of Expenditure)

CORRIGENDUM

New Delhi, the 21st September 1960

S.O. 2415.—In the Ministry of Finance Notification No. F. 12(64)-EII(A)/60, dated the 26th July, 1960 (published as S.O. 1902 in the Gazette of India, Part II Section 3, Sub-Section (ii) dated the 6th August, 1960, at pages 2174-2175) containing Amendment No. 61 to the Delegation of Financial Powers Rules, 1958.

For "SRO 3820" occurring in col. 4 against item No. 11(i);

Read "SRO 3920".

[No. F. 12(64)-EII(A)/60.]

C. R. KRISHNAMURTHI, Dy. Secy.

(Department of Economic Affairs)

New Delhi, the 24th September 1960

S.O. 2416.—Statement of the Affairs of the Reserve Bank of India, as on the 16th September, 1960.

BANKING DEPARTMENT

Liabilities	Ra.	Assets	Ra.
Capital paid up	5,00,00,000	Notes	21,65,23,000
Reserve Fund	80,00,00,000	Rupee Coin	1,47,000
National Agricultural Credit (Long-term Operations) Fund	40,00,00,000	Subsidiary Coin	6,00,000
National Agricultural Credit (Stabilisation) Fund	5,00,00,000	Bills Purchased and Discounted :—	
Deposits :—		(a) Internal . . . . .	..
(a) Government		(b) External . . . . .	..
(1) Central Government	81,72,11,000	(c) Government Treasury Bills	22,15,75,000
(2) Other Governments	35,50,14,000	Balances held abroad*	23,44,47,000
(b) Banks	99,61,79,000	Loans and Advances to Governments**	28,67,00,000
(c) Others	92,26,57,000	Other Loans and Advances†	137,10,91,000
Bills Payable	16,85,32,000	Investments	226,37,31,000
Other Liabilities	15,53,46,000	Other Assets	12,01,25,000
RUPES	471,49,39,000	RUPES	471,49,39,000

*Includes Cash and Short-term Securities.

**Includes Temporary Overdrafts to State Governments.

†The item 'Other Loans and Advances' includes Rs. 10,96,30,000/- advanced to scheduled banks against usance bills under Section 17 (4)(c) of the Reserve Bank of India Act.

Dated the 21st day of September, 1960.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 16th day of September 1960.

ISSUE DEPARTMENT

Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
Notes held in the Banking Department . . .	21,65,23,000		A Gold Coin and Bullion: —		
Notes in circulation . . .	<u>1792,59,77,000</u>		(a) Held in India . . .	117,76,03,000	
Total Notes issued . . .		1814,25,00,000	(b) Held outside India . . .	..
			Foreign Securities . . .	<u>123,00,89,000</u>	
			TOTAL OF A . . .		240,76,92,000
			B. Rupee Coin . . .		131,76,00,000
			Government of India Rupee Securities . . .		1441,72,08,000
			Internal Bills of Exchange and other commercial paper . . .		..
TOTAL LIABILITIES		<u>1814,25,00,000</u>	TOTAL ASSETS . . .		<u>1814,25,00,000</u>

Dated the 21st day of September, 1960.

H. V. R. IENGAR,
Governor.

[No F 3 2)-BC/60.]

New Delhi, the 28th September, 1960

S.O. 2417.—Statement of the Affairs of the Reserve Bank of India, as on the 23rd September, 1960.

BANKING DEPARTMENT

Liabilities	Rs.	Assets	Rs.
Capital paid up	5,00,00,000	Notes	21,28,79,000
Reserve Fund	80,00,00,000	Rupee Coin	2,71,000
National Agricultural Credit (Long-term Operations) Fund	40,00,00,000	Subsidiary Coin	4,72,000
National Agricultural Credit (Stabilisation) Fund . . .	5,00,00,000	Bills Purchased and Discounted:—	
Deposits :—		(a) Internal . . . . .	..
(a) Government		(b) External . . . . .	..
(i) Central Government	76,62,64,000	(c) Government Treasury Bills	21,69,07,000
(a) Other Governments	23,43,28,000	Balances held abroad*	20,93,01,000
(b) Banks	110,71,52,000	Loans and Advances to Governments**	30,58,35,000
(c) Others	91,72,05,000	Other Loans and Advances †	143,14,32,000
Bills Payable	16,87,17,000	Investments	215,14,78,000
Other Liabilities	15,55,33,000	Other Assets	12,06,24,000
	RUPES . 464,91,99,000		RUPES . 464,91,99,000

*Includes Cash & Short term Securities.

**Includes Temporary Overdrafts to State Governments.

† The item 'Other Loans and Advances' includes Rs. 12,25,80,000/- advanced to scheduled banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

Dated the 28th day of September, 1960

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 23rd day of September, 1960.

ISSUE DEPARTMENT

Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
Notes held in the Banking Department .	21,28,79,000		A. Gold Coin and Bullion:—		
Notes in circulation	1783,96,59,000		(a) Held in India	117,76,03,000	
Total Notes issued		1805,25,38,000	(b) Held outside India . . . .	..
			Foreign Securities	123,00,89,000	
			TOTAL OF A		240,76,92,000
			B. Rupee Coin		132,76,38,000
			Government of India Rupee Securities		1431,72,08,000
			Internal Bills of Exchange and other commercial paper . . . .		..
TOTAL LIABILITIES		1805,25,38,000	TOTAL ASSETS		1805,25,38,000

Dated the 28th day of September, 1960.

H. V. R. IENGAR,
Governor.

[No. F. 3(2)-BC/60.]

R. K. SESHADRI, Dy. Secy.

CENTRAL BOARD OF REVENUE**LAND CUSTOMS***New Delhi, the 1st October 1960*

S.O. 2418.—In exercise of the powers conferred by section 4 of the Land Customs Act, 1924 (19 of 1924), the Central Board of Revenue hereby makes the following further amendment in its notification No. 21-Customs dated the 2nd February, 1952, namely:—

In the Schedule to the said notification, under the heading "Goa Frontier", after the existing entries against "2. Satarda Naka", the following entry shall be inserted, namely:—

"3. Lakharkot (Banda) The road leading from Banda village to the Portuguese Frontier."

[No. 9-F. No. 90/41/60-L.C.I.]

CUSTOMS*New Delhi, the 8th October 1960*

S.O. 2419.—In exercise of the powers conferred by clause (c) of section 11 of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the state of Pondicherry, the Central Board of Revenue hereby makes the following further amendment in its Notification No. 117-Customs, dated the 9th September, 1950, namely:—

In the Schedule to the said notification, against the port of Albert Victor, in column 3, after entry No. 4 the following entry shall be inserted, namely:—

"(5) The new jetty constructed by M/s Saurashtra Salt Works Private Ltd. on Devpura Creek at a distance of three miles from the Custom House of Port Albert Victor for landing and shipment of salt".

[No. 107/F. No. 52/9/60-LC.II.]

M. C. DAS, Secy.

THE MYSORE COLLECTORATE OF CENTRAL EXCISE: BANGALORE*Bangalore, the 8th September 1960*

S.O. 2420.—In pursuance of Rule 5 of the Central Excise Rules, 1944 I hereby empower the Assistant Collectors of Central Excise to exercise within their respective jurisdiction the powers of 'Collector' under Rule 96 I(4) of the said Rules.

[Issued from File C. No. IV(16)394/60 B. 1]

[No. 14/60.]

A. R. SHANMUGAM, Collector.

COLLECTORATE OF CENTRAL EXCISE, CALCUTTA AND ORISSA**CENTRAL EXCISE***Calcutta, the 15th September 1960*

S.O. 2421.—In exercise of the powers conferred on me by rule 5 of the Central Excise Rules, 1944, I hereby make the following amendments to this Collectorate Notification No. 1/60 dated 1st April 1960, namely—

- (a) Delete the rule "96-I" appearing in column 3 against entry at sl. no. 3;
- (b) Insert the rule "96-I(4)" in column 3 against the entry at serial no. 2;
- (c) Insert the rule "96-I(1), 96-I(2) & 96-I(3)" in column 3 against the entry at serial no. 3.

[No. 7/60.]

[C. No. IV(8)1-CE/60.]

S. P. KAMPANI, Collector.

CENTRAL EXCISE COLLECTORATE: HYDERABAD (A.P.)

CENTRAL EXCISE

Hyderabad, the 21st September 1960

S.O. 2422.—In exercise of the powers conferred on me by Rule 5 of the Central Excise Rules, 1944, I hereby delegate to the officers mentioned in Col. 2 of the table below, the powers of Collector, under Rule 96-I(4) of the Central Excise Rules, 1944, subject to the limitations specified in Col. 3 thereof:—

Rule in respect of which the powers of the Collector of Central Excise are delegated	Officers to whom the powers are delegated	Limitations, if any
1	2	3
96-I(4) of the Central Excise Rules, 1944.	All Assistant Collectors of Central Excise in this Collectorate.	Delays in filing of A. S. Ps upto 15 days may be condoned. Delays beyond that period should be referred to the Collector.

[Issued from file C. No. IV/16/93/60 M.P.]

[No. 9/60.]

B. SEN, Collector.

CENTRAL EXCISE COLLECTORATE, BARODA

Baroda, the 29th September 1960

SUBJECT.—Central Excise: Tobacco: Transport permits: Cancellation of: Instructions regarding:

S.O. 2423.—This order is issued in exercise of the powers conferred upon me under Rule 233 of the Central Excise Rules, 1944.

2. With a view to avoiding repeated transport of tobacco on the strength of a single valid transport document, I direct that all permits, sale notes and certificates shall be cancelled by the consignee by endorsing the same as "cancelled" under his dated initials.

3. In the alternative, the transport document should be cancelled by drawing two thick diagonal lines across the document.

4. Also, the consignee must carefully preserve these documents until the next visit of the proper Central Excise Officer, to whom these documents should be surrendered.

[No. 1/1960.]

[No. V(a)24-232/T/60.]

R. PRASAD, Collector.

**OFFICE OF THE ASSISTANT CONTROLLER OF CENTRAL EXCISE AND LAND
CUSTOMS, GOA FRONTIER DIVN., BELGAUM**

NOTICES

Belgaum, the 24th September, 1960.

S. O. 2424—Whereas it appears that the goods as mentioned in the undermentioned table seized in the vicinity of the Indo-Goa border, were about to be exported by land from India to Goa (Portuguese possession in India) in contravention of the Rules and Notifications as mentioned against each.

Sl. No.	Date & Place of seizure	By whom detected	Description of goods	Quantity	Rules contravened
287/60	4-8-1960 between Chowkey No. 19 and 20.	H. Constable, Satarda Out-post and his staff.	(1) Pratap Brand Asafetida (Hing) 50 tins of 1 lb. each. (2) Pratap Brand Asafetida (Hing) 108 tins of $\frac{1}{2}$ lb. each. (3) Gunny bags used as container.	50 Lbs. 54 Lbs. 2 Nos.	Sec. 5(1) of the Land Customs Act, 1924 and Govt. of India, Ministry of Commerce & Industry Export Control Order No. 1/58 dated 1-5-1958 deemed to have been issued under Sec. 19 of the Sea Customs Act, 1878.
288/60	27-7-1960 in the area of Chowkey No. 44.	Insp. C. Ex. Sasoli and Sub-Insp., C.E. Hedus.	(1) She buffalos (2) He buffalos	1 No. 6 Nos.	Do.

2. Now, therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise and Land Customs, Goa Frontier Division, Belgaum, why the abovementioned goods and cattles should not be confiscated under Section 5(3) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(1)(c) of the Land Customs Act, 1924 read with Sec. 167(8) of the Sea Customs Act, 1878.

3. If such an owner fails to turn up to claim the above mentioned unclaimed goods and cattles or to show cause against the action proposed to be taken within 30 days from the date of publication of this notice in the Government of India Gazette, the goods and cattles in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII (b) 10-287-288/60.]

S. O. 2425—Whereas it appears that the goods as mentioned in the undermentioned table seized in the vicinity of Indo-Goa border, were imported by land from Goa (Portuguese possession in India) in contravention of the Rules and Notifications as mentioned against each.

Sl. No.	Date & Place of seizure	By whom detected	Description of goods	Quantity	Rules contravened.
289/60	2-8-1960 at Maruticha Pawada, in Chorla Beat.	S. R. P. Special party Chorla.	Lighter Flints.	7 tins each of 7800 Flints.	Sec. 5(1) of the Land Customs Act, 1924 and Govt. of India, Ministry of Commerce and Industry Imports Control Order No. 17/55 dt. 7-12-55 issued under Sec. 19 of the Sea Customs Act, 1878.

2. Now therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise and Land Customs, Goa Frontier Divn., Belgaum, why the above-mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924 and Sec 167(8) of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(1)(c) of the Land Customs Act, 1924 read with Sec. 167(8) of the Sea Customs Act, 1878.

3. If such an owner fails to turn up to claim the above-mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the date of publication of this notice in the Govt. of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b) 10-289/60]

E. R. SRIPANTIA, Asstt. Collector.

MINISTRY OF COMMERCE & INDUSTRY

ORDERS

New Delhi 24th September, 1960

S.O. 2426/IDRA/6/4.—In exercise of the powers conferred by section 6 of the Industries (Development & Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints Shri C. B. Saran to be a member of the Development Council established by the Order of the Government of India, Ministry of Commerce & Industry No. S.O. 1031 dated the 5th May, 1959 for the scheduled industries engaged in the manufacture of Machine Tools, till the 4th May 1961 and directs that the following amendment shall be made in the said Order, namely:—

In paragraph 1 of the said Order after entry No. 6A relating to Shri G. C. Taxall, the following entry shall be made, namely:—

<p>“6B. Shri C. B. Saran, Director, M/s Ex-Cell-O India Private Ltd., 16/17A, Noble Chambers, Parsee Bazar Street, Bombay—1.</p>	<p>Owners</p>	<p>Members.”</p>
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[No. 4(72)IA(IV)/58.]

New Delhi, the 28th September 1960

S.O. 2427/IDRA/6/6.—In exercise of the powers conferred by section 6 of the Industries (Development & Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints the following persons to be members of the Development Council established by the Order of the Government of India, Ministry of Commerce & Industry No. S.O. 1030, dated the 1st May, 1959 for the scheduled industries engaged in the manufacture and production of electric fans, electric lamps, electronic equipment, house-hold appliances (such as electric irons, heaters, and the like), storage batteries, telephones, telegraphic equipment, wireless and communication apparatus, radio receivers including amplifiers and public address equipment television sets, teleprinters, air-conditioners and refrigerators, electricity meters and panel instruments, till the 30th April, 1961 and directs that the following amendments shall be made in the said Order, namely:—

In paragraph 1 of the said Order after entry No. 16 relating to Shri N. V. Shenoi, the following entries shall be inserted:—

<p>“16A. Shri A. C. Ramachandani, Chief Engineer, All India Radio, New Delhi.</p>	<p>Technical knowledge.</p>	<p>Member.”</p>
<p>“16B. Shri Mohan T. Advani, M/s. Blue Star Engineering Co. Bombay Ltd., Kasturi Buildings, Jamshedji Tata Road, Bombay—1.</p>	<p>Technical knowledge.</p>	<p>Member.”</p>

[No. 4(75)IA(IV)/58.]

P. MADHAVAN NAIR, Under Secy.

(Office of the Jt. Chief Controller of Imports & Exports)

NOTICES

Bombay, the 2nd September 1960

S.O. 2428.—It is hereby notified, that in exercise of the powers conferred by Clause 9 of the Imports (Control) Order, 1955, the Government of India, in the Ministry of Commerce and Industry propose to cancel licence No. A. 772299 dated 7th May 1960 valued at Rs. 2,000/- for the import of Cellulose Film Scrap from the Soft Currency Area except South Africa, granted by the Joint Chief Controller of Imports & Exports, Bombay to M/s. Ansari Plastics Works, Nadi Mohalla, Pali, Rajasthan unless sufficient cause against this is furnished to the Deputy Chief Controller of Imports & Exports, Bombay-1 within ten days of the date of issue of this notice by the said M/s. Ansari Plastics Works, Nadi Mohalla, Pali, Rajasthan or any Bank, or any other party who may be interested in it.

In view of what is stated above M/s. Ansari Plastics Works, Nadi Mohalla, Pali, Rajasthan or any Bank, or any other party, who may be interested in the said licence No. A. 772299 dated 7th May, 1960 are hereby directed not to enter into any commitments against the said licence and return it immediately to the Deputy Chief Controller of Imports and Exports, Bombay.

[No. A-617/1-60/AU-7/C-2/60/CDN.II.]

S.O. 2429.—It is hereby notified, that in exercise of the powers conferred by Clause 9(a) of the Imports (Control) Order, 1955, the Government of India, in the Ministry of Commerce and Industry propose to cancel licence No. E. 554633/60/EI/CCI/B dated 9th April, 1960, valued at Rs. 2,000/- for the import of Rubber Contraceptives from the Soft Currency Area except Union of South Africa inadvertently granted by the Joint Chief Controller of Imports & Exports, Bombay to M/s. Shah Ratilal Jivabhai, 11-15, Vithalwadi, Bombay-2, unless sufficient cause against this is furnished to the Deputy Chief Controller of Imports & Exports, Bombay within ten days of the date of issue of this notice, by the said M/s. Shah Ratilal Jivabhai, 11-15, Vithalwadi, Bombay-2, or any Bank or any other party who may be interested in it.

2. In view of what is stated above, M/s. Shah Ratilal Jivabhai, 11-15, Vithalwadi, Bombay-2, or any Bank, or any other party, who may be interested in the said licence No. E. 554633/60/EI/C.C.I.B. dated 9th April, 1960 are hereby directed not to enter into any commitments against the said licence and return it immediately to the Deputy Chief Controller of Imports & Exports, Bombay.

[No. 41-B-V/7/2-60/C-1/60/CDN.II.]

N. H. NAGARWALLA,

Dy. Chief Controller of Imports & Exports.


(Indian Standards Institution)

New Delhi, the 23rd September 1960

S.O. 2430.—In modification of the Standard Marks, notified in the Schedule annexed to the Ministry of Commerce and Industry (Indian Standards Institution) Notification Nos. S.R.O. 906 dated 19 March 1957 and S.R.O. 3941 dated 27 November 1957 published in the Gazette of India, Part II, Section 3—Sub-Section (ii) dated 23 March 1957 and 14 December 1957, respectively, the Indian Standards Institution hereby notifies that the Standard Mark, design of which together with the verbal description of the design and the title of the relevant Indian Standard given in the Schedule annexed has been revised.

This Standard Mark for the purpose of Indian Standards Institution (Certification Marks) Act, 1952, and the rules and regulations framed thereunder, shall come into force with immediate effect.

THE SCHEDULE




Design of the Standard Mark	No. and title of relevant Indian Standard	Verbal description of the design of the Standard Mark
(1)	(2)	(3)
	IS : 323—1959 Specification for Rectified Spirit (<i>Revised</i>)	The monogram of the Indian Standards Institution, consisting of letters: SI, drawn in the exact style and relative proportions as indicated in column (1), the number designation of the Indian Standard and the IS designation of the grade number being inscribed in the top and bottom sides of the monogram respectively as indicated in the design.

[No. MD/17 :2]

S.O. 2431.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955, the Indian Standards Institution hereby notifies that the Standard Mark, design of which together with the verbal description of the design and the title of the relevant Indian Standard is given in the Schedule hereto annexed, has been specified.

This Standard Mark, for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952, and the rules and regulations framed thereunder, shall come into force with effect from 1 October 1960.

THE SCHEDULE

Design of the Standard Mark	No. and title of relevant Indian Standard	Verbal description of the design of the Standard Mark
(1)	(2)	(3)
	IS : 1061-1957 Specification for Coal Tar Disinfectant Fluids, Black and White	The monogram of the Indian Standards Institution, consisting of letters ISI, drawn in the exact style and relative proportions as indicated in column (1), the number designation of the Indian Standard and the IS designation of the Grade Number being inscribed in the top and bottom sides of the monogram respectively as indicated in the design.
		
		

S.O. 2432.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the marking fee per unit for Coal Tar Disinfectant Fluids, details of which are given in the Schedule hereto annexed, has been determined and the fee shall come into force with effect from 1st October 1960.

THE SCHEDULE

Sl. No.	Product/Class of Product	No. and title of relevant Indian Standard	Unit	Marking Fee per unit
1.	Coal Tar Disinfectant Fluids	IS : 1061-1957 Specification for Coal Tar Disinfectant Fluids, Black and white	1,000 gallons	Rs. 15/- per unit with a minimum of Rs. 1,875/- for production during a calendar year

[No. MD/18 :2

A. N. GHOSH,
Direct or

MINISTRY OF STEEL, MINES AND FUEL

(Department of Mines and Fuel)

New Delhi, the 26th September 1960

S.O. 2433.—In exercise of the powers conferred by section 3 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby appoints the Deputy General Manager, National Coal Development Corporation Ltd. to be the competent authority for the purposes of sections 4(3), 6, 12, 13(6) and 22 of the said Act.

[No. F. C2-1(14)/60.]

S.O. 2434.—In exercise of the powers conferred by section 19 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby directs that the powers and duties which may be exercised and discharged by that Government under sections 14(1) and (4), 16, 17 and 21 of the said Act shall also be exercised and discharged by the Deputy General Manager, National Coal Development Corporation Limited:

Provided that the exercise and discharge of powers and duties under sub-section (1) of section 14 of the said Act by the said Deputy General Manager, National Coal Development Corporation Limited shall be subject to the previous approval by the Central Government.

[No. F. C2-1(14)/60.]

B. ROY, Under Secy.

(Department of Iron and Steel)

New Delhi, the 28th September 1960

S.O. 2435/ESS.COMM/IRON AND STEEL-2(c)/AM(74).—In exercise of the powers conferred by sub-clause (c) of clause 2 of the Iron and Steel (Control) Order, 1956, the Central Government hereby directs that the following further amendment shall be made to the notification of the Government of India, in the

Ministry of Steel, Mines and Fuel, No. S.R.O. 2041/ESS.COMM/IRON AND STEEL 2(c), dated the 11th June, 1957, as amended from time to time, namely:—

In the Schedule annexed to the said notification, in column 2 thereof, against 'ANDHRA PRADESH', for the existing entry No. 5, the following shall be substituted, namely:—

"All Block Development Officers,
Andhra Pradesh."

[No. SC(A)-1(1)/59.]

M. C. MISRA, Under Secy.

MINISTRY OF FOOD & AGRICULTURE

(Department of Agriculture)

New Delhi, the 24th September 1960

S.O. 2436.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, and in supersession of the Notifications of the Government of India in the Ministry of Food and Agriculture (Department of Agriculture) No. S.R.O. 219 dated the 11th January, 1958 and S.O. 1653 dated the 16th August, 1958, the President hereby makes the following rules regulating the method of recruitment of persons to class III posts in the Directorate of Marketing and Inspection under the Ministry of Food and Agriculture, namely:—

1. **Short title.**—These rules may be called the Directorate of Marketing and Inspection (Class III Posts) Recruitment Rules 1960.

2. **Application.**—These rules shall apply for recruitment to the posts specified in column 1 of the Schedule annexed hereto.

3. **Classification and scale of pay.**—The classification of the said posts and the scales of pay attached to them shall be as specified in column 2 of the said Schedule.

4. **Method of recruitment, age limit and other qualifications.**—The method of recruitment age limit, qualifications and other matters connected therewith shall be as specified in columns 3 to 9 of the Schedule aforesaid:

Provided that the upper age limit prescribed for direct recruitment may be relaxed in the case of candidates belonging to Scheduled Castes/Scheduled Tribes, displaced persons and other special categories in accordance with the orders issued by the Central Government from time to time.

5. **Disqualification.**—No male candidate who has more than one wife living and no female candidate who has married a person having already a wife living shall be eligible for appointment to any of the posts:

Provided that the Government of India may, if it is satisfied that there are special grounds for doing so, exempt any such candidate from the operation of this rule.

SCHEDULE

Recruitment Rules for non-gazetted Class III posts in the Directorate. of Marketing and Inspection

Name of post	Scale of pay & classification of post	Whether Selection post or non-selection post	Age limit for direct recruitment	A. Educational and other qualifications required for direct recruitments. B. Whether age and educational qualifications prescribed for direct recruitment will apply in case of recruitments by promotion/transfer	Period of probation, if any (for only permanent vacancies)	Method of recruitment i.e. whether by direct, recruitment or by promotion transfer and percentage of vacancies to be filled by the various modes	In case of vacancies filled by promotion/transfer, grades/sources from which promotions/transfers are to be made	Circumstances in which U.P.S.C. to be consulted in making recruitment
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

A. — Headquarters.

1. Non-Ministerial (Technical).

1. Statistical Assistant.	Rs. 160—10—330 Class III Non-gazetted	Selection post.	..	A.—A degree in Mathematics or in Agriculture or Arts or Statistics & 3 years' practical experience as Statistical Clerk or Calculating Machine operator. B.—Educational & age qualifications do not apply to persons who have 8 years' practical experience as calculating Machine Operator or 3 years as Statistical Clerk.	..	Promotion	Promotion from amongst Statistical Clerks.	Does not arise.
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2. Statistical Clerk	80—5—120—EB —8—200—10½2 —220 Class III Non-gazetted.	Do.	Not exceeding 25 years.	A.—A degree in Mathematics or 5 years' practical experience as Calculating Machine operators and in dealing with statistics, Educational qualifications relaxable in cases of candidates with high academic qualifications in economics and for special experience in this type of work. B.—No.	Two years for direct recruitment.	Direct recruitment 66⅔% and promotion 33-⅓%.	Promotion from amongst calculating Machine operators	Do.
3. Calculating Machine operator.	55—3—85—EB— 4—125—5— 130—Class III Non-gazetted.	..	Do.	A.—A matriculate preferably with distinction in Mathematics. B.—Does not arise.	Two years	By direct recruitment.	Does not arise.	
4. Librarian	160—10—330 Class III Non-Gazetted.	..	Do.	A.—A University degree or diploma in Librarianship with an adequate experience of library work.	Do.	Do.	Do.	
5. Senior Proof Reader.	80—5—120—EB —8—200—10½2 —220—Class III Non-Gazetted.	Selection post.	No age limit in view of column 7.	..	Do.	By transfer 100%	From Readers at the Govt. of India Presses.	
6. Head Draftsman	200—10—300 Class III Non-gazetted Non-Ministerial.	Selection	Does not arise in view of Column 7.	Does not arise in view of column 7.	Nil	Departmental Promotion 100%.	From amongst the Draftsman	
7. Draftsman	100—5—125—6 —185—EB—8 —225 Class III Non-Gazetted.	Do.	Not exceeding 25 years.	A.—Matriculation with examinations in Drawings. At least 3 years' experience as a Draftsman and in preparing charts, diagrams, maps, graphs, etc. B.—No.	Nil	By promotion 50% by direct recruitment 50%.	From diagram and Mapmakers.	

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Rs.							
8. Diagram & Mapmaker.	60—4—120— EB—5— 150 Class III non-gazetted.	..	Not exceed- ing 25 years.	A.—Matriculation with drawing as one of the subjects. Some experience in preparing charts, diagrams, maps, graphs, etc. B.—Does not arise.	Two years	By direct recruitment 100%.	Does not arise.	
9. Translator (Hindi).	160—10—330 GCS Class III non-gazetted Ministerial.	Not applicable.	Below 25 years.	1. Degree of a recognised University with Hindi as a special subject or equivalent qualification. 2. About 3 years' experience in Hindi Journalism or Translation involving Hindi (Relaxation Clause).	One year	By direct recruitment 100%.	Not applicable	Not applicable.
10. Technical Asstt.	160—10—330 Non-Ministerial Technical Class III.	Do.	Do.	A.—A degree of a recognised University preferably in Agriculture. About one years' experience in Agricultural Extension work and knowledge of Agricultural Commodities. B.—Does not arise.	Two years	Do.	Does not arise	Do.

11. Technical Asstt. (Publication)	Rs. 160—10—300—EB—15—450 Non-Ministerial Technical Class III.	Do.	Do.	Do.	Do.	Do.	Do.	Do.
12. Technical Asstt. (Marketing Journal)	Rs. 160—10—300 Non-Ministerial Technical Class III.	Do.	Do.	A. (i) A degree of a recognised University preferably in Agriculture. (ii) Journalistic experience of a Magazine devoted to Agriculture, Agricultural Marketing of Extension work. (iii) Familiarity with Marketing of Agricultural Commodities or extension work pertaining to them. B. Does not arise.	Do.	Do.	Do.	Do.
13. Technical Asstt. (Fruit Products).	Do.	Do.	Do.	A.—(i) A degree of a recognised University preferably in Agricultural or 3 years' diploma in Fruit/Food Technology. (ii) Experience in Agricultural Extension work. <i>Desirable</i> Experience in fruit preservation factories and laboratories. B.—Does not arise. B.— <i>Sub Offices</i>	Do.	Do.	Do.	Do.
1. Analyser	160—10—330 Class III Non-gazetted.	..	25 years	I.— <i>Non-Ministerial Technical</i> A.—A degree in Agriculture. (ii) Experience in handling fibres. B.—No.	Do.	Direct recruitment 50% Promotion 50%.	By selection of U.D.Cs. in offices under AMA control.	

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
2. Inspector Fruit Products.	200—10—300— EB—15—450— Non-Gazetted III.	..	Below years.	35	A.— <i>Essential</i> :—A degree in Agriculture or degree or Diploma in Fruit & Fruit Technology or degree in Microbiology. <i>Desirable</i> :—(i) Experience in fruit preservation factories, confectionery or Sugar factories for a period of 2 years (ii) Experience in Agricultural extension work (iii) Knowledge of one or two regional languages.	..	Direct recruitment.	..
3. Inspector	200—10—300— EB—15—450— Non-gazetted III.	Selection	Less than 30 years.	A.—1. A University degree in Agriculture, Science (Chemistry) Vety. Science or Commerce or Diploma in Textile Technology or in Analysis of Oils and Fats (according to the nature of duties of the post). 2. Knowledge of qualities and grade description of wool, bristles, goat hair, tobacco, cotton, rice, eggs, gur, essential oils and other Agricultural Commodities & dairy & Livestock products, as the case may be.	Two years	50% by direct recruitment & 50% by promotion.	1. Laboratory Assistant. 2. Technical Assistant. 3. Analysts. 4. Junior Chemists.	..

Experience of working of Wool Laboratory, Ghee Laboratory or Essential Oils Laboratory (for posts in these schemes). Experience in Agricultural Extension or Marketing work.

Desirable :

1. Ability to write technical reports.
2. Knowledge of the language of the region concerned.

B.—Age No. (Educational qualifications. Yes).

4. Chemists (Essential Oils)	160—10—330— Class III Non- gazetted.	Do.	25 years	A.—A degree in Agriculture or Chemistry and/or diploma in oil technology with 3 years' experience in the analysis of oils and fats. B.—No.	Two years	By promotion 50%. By direct recruitment 50%.	Laboratory Assistant.	..
5. Assistant (Chemists).	160—10—330 Class III Non- Gazetted with a selection grade of Rs. 250—10—300— 15—450—25/2 —500 Class III Non- gazetted.	Do.	Not exceeding 30 years.	A.—A degree in Chemistry and/or diploma in oil technology with about 3 years' experience in the analysis of oils and fats.	Do.	Do.	Promotions amongst laboratory Assistants.	Does not arise.
6. Junior Grade Panel chemist								
7. Junior chemist								
8. Laboratory Assistant.	80—5—120— EB—8—200— 10/2—220 Class III Non- gazetted.	..	Not exceeding 25 years.	A. Degree in Chemistry preference will be given to those who know oil technology.	Two years	By direct recruitment 100%.	Does not arise	Do.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Rs.							
9. Laboratory Assistant (Wool bristles and Goat Hair).	80—5—120—EB—8—200—10/2—220 Class III, Non-gazetted.	..	Not exceeding 25 years.	A degree in chemistry, preference will be given to those who have experience in textile laboratory or have been engaged in grading work of wool or bristles in a well recognised firm or Laboratory.	Two years.	By direct recruitment 100%.	Does not arise.	Does not arise.
II.—Ministerial								
(a) Technical								
1. Store-Keeper (Laboratory).	100—5—125—6—155—EB—8—185 Class III Non-gazetted.	..	Do.	A.—A graduate in science. B.—Does not arise.	Two years	By direct recruitment 100%.	Do.	Do.
II.—Ministerial								
(b) Non-Technical								
1. Head Clerk .	160—10—330 Class III Non-gazetted.	Selection Post.	Age limit 18—21 years.	A.—Intermediate/Senior Cambridge/Higher Secondary or equivalent qualification. B.—N.A.	..	By promotion 100%.	From U.D.Cs. in Offices under A.M.A.'s control.	Does not arise.
2. Accountant .	80—5—120—EB—8—200—10/2—220.	Do.	19 to 23 years.	Intermediate/Senior Cambridge/Higher Secondary Certificate or equivalent qualifications with experience of accounts work in Government Organisation,	Two years	By promotion 50%. By direct recruitment 50%.	From L.D.Cs. in offices under A.M.A.'s control.	Do.

3. Upper Division Clerks and General Clerks.	Do.	Do.	No Age limit.	No educational qualifica- tions prescribed as the post is to be filled by promotion or transfer.	..	By promotion or transfer 100%.	Do.	Do.
4. Lower Division Clerks.	60—3—81—EB —4—125—5— 130 Class III Non-gazetted.	..	18 to 21 years.	A.—Matriculation or equivalent qualifications until replaced by Higher Secondary. A speed of 30 words per minute in type- writing. B.—Does not arise.	Two years	By direct re- cruitment 100%.	..	Do.

N.B.—The criteria for selection of personnel to man the above posts will not apply to those officers and staff who are holding their present offices for a period of three years.
In individual cases age limits prescribed in these rules may be relaxed at the discretion of the Agricultural Marketing Adviser to the Government of India.

[No. F. 1-115/59-AM.]

New Delhi, the 26th September 1960

S.O. 2437.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment of persons to class IV posts in the Directorate of Marketing and Inspection under the Ministry of Food and Agriculture, namely:—

1. Short title.—These rules may be called the Directorate of Marketing and Inspection (Class IV Posts) Recruitment Rules, 1960.

2. Application.—These rules shall apply for recruitment to the posts specified in column 1 of the Schedule annexed hereto.

3. Classification and scale of pay.—The classification of the said posts and the scales of pay attached to them shall be as specified in columns 2 and 3 respectively of the said Schedule.

4. Method of recruitment, age limit and other qualifications.—The method of recruitment, age limit, qualifications and other matters connected therewith shall be as specified in columns 4 to 8 of the Schedule aforesaid:

Provided that the upper age limit prescribed for direct recruitment may be relaxed in the case of candidates belonging to Scheduled Castes/Scheduled Tribes, displaced persons and other special categories in accordance with the orders issued by the Central Government from time to time.

5. Disqualification.—No male candidate who has more than one wife living and no female candidate who has married a person having already a wife living shall be eligible for appointment to any of the posts:

Provided that the Government of India may, if it is satisfied that there are special grounds for doing so, exempt any such candidate from the operation of this rule.

SCHEDULE

Recruitment rules for the post of Laboratory Attendants in the Dte. of Marketing & Inspection as approved by Government of India vide Ministry of Food & Agriculture letter No. F. 17-40/59-AM dated 20-7-60.

Name of the post	Classification	Scale of pay	Whether selection post or non-selection post.	Age Limits	Educational & other qualifications required.	Period of probation.	Method of recruitment.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Laboratory Attendant.	General Central Service Class IV, Non-Gazetted.	Rs. 35—1—50	Non-Selection Post.	Above 18 years and below 25 years. These age limits are not applicable in case of promotees.	<i>Essential</i> VIII Standard. <i>Desirable</i> Experience of working in a laboratory. Note:—The educational and other qualifications prescribed are not applicable in case of promotees.	Six months	50% by direct recruitment and 50% by promotion from peons and grading attendants.

[No. F. 7-40/59-AM.]

V. S. NIGAM, Under Secy.

(Department of Agriculture)

(Indian Council of Agricultural Research)

New Delhi, the 23rd September 1960

S.O. 2438.—In pursuance of the provisions of Rule 22(4) of the Indian Central Coconut Committee Rules, 1945, the Central Government hereby publish the following audited accounts of Receipts and Expenditure of the Indian Central Coconut Committee for the year 1958-59, together with the Auditor's Report.

INSPECTION REPORT ON THE ACCOUNTS OF THE INDIAN CENTRAL COCONUT COMMITTEE, ERNAKULAM FOR THE YEAR 1958-59

I. The audited statements of receipts and payments for the year 1958-59 are attached.

II. *Closing balance.*—The closing balance of Rs. 63,175.26 in Part II Account is arrived at after deducting the amount of cheque No. 295579, dated 16th March 1959 for Rs. 30,000 cashed in April 1959 only.

III. *Cess collections.*—The work of reconciliation of the figures in respect of cess collections furnished by the Central Excise with the relative figures of the treasury is in arrears from August 1953, February 1955, and May 1955, in respect of the former Travancore-Cochin, Madras and Mysore States respectively. The actual balance of cess due to the Committee can be ascertained only after the reconciliation is completed. The Committee has taken up the matter with the Central Excise Department.

IV. *Grants-in-aid.*—During the year under report a sum of Rs. 90,564 was paid as grant-in-aid under the following heads:—

1. Research schemes	..	..	Rs. 49,865
2. Coconut Nurseries	..	..	Rs. 24,140
3. Miscellaneous	..	..	Rs. 16,559
Total	..	..	Rs. 90,564

Audit certificates in respect of these have not been obtained. Besides audit certificates are also due from the following States in respect of grants-in-aid paid to end of 1957-58:—

Kerala	..	..	1955-56 onwards.
Andhra	..	..	1957-58 "
Bombay	..	..	1956-57 "
Assam	..	..	1957-58 "
West Bengal	..	..	1957-58 "
Orissa	..	..	1957-58 "

The Committee has stated that these State Governments have been reminded.

V. *Acquisition of land for the construction of an office building.*—In its meeting held on 3rd November 1956 the Finance Sub-Committee decided to acquire a plot of land in Ernakulam to put up an office building for the Committee's office. A provision of Rs. 50,000 was made on this account in the revised budget estimates for the year 1956-57. This amount was paid to the Revenue Department of the State Government in March 1957 in advance so as to avoid the lapse of budget provision. When the matter was referred to the Government of India for sanction, the Government were of opinion that the construction of an office building for the Committee would not be very necessary. The advance deposit of Rs. 50,000 made in the year 1956-57 was therefore refunded to the Committee in 1958-59 on 5th November 1958. Further correspondence was carried on with the Government of India till ultimately in March 1959 (Government letter No. 7-110/58-Com.I, dated 19th March 1959) they agreed to the acquisition of land and the construction of the building. A provision of Rs. 75,000 had been made on this account in the revised budget estimates for the year 1958-59. This amount was again paid as advance to the Revenue Department of the State Government on 31st December 1959 to avoid lapse of budget provision. The plots to be acquired were specified in the Committee's letter F5/57 dated 6th April 1959.

only and the land acquisition notification was published in June 1959 only. The acquisition proceedings had not been completed even till February 1960. It will thus be seen that large amounts were deposited with the Revenue Department of the State Government long before they were actually required and were unnecessarily kept out of the Committee's funds. The Committee admitted (that the State Government have initiated land acquisition proceedings in 1959-60 only) the facts but has stated that if the payment to the State Government was not made in advance in 1958-59, the provision would have lapsed and the Committee would have been left with no funds to meet the State Government's demand in 1959-60.

Sd./-

Deputy Accountant General (O.A.D.).

25/8/60.

Receipts & Payments Account of the Indian Central Coconut Committee Provident Fund for the year ended 31st March, 1959

RECEIPTS	Rs.	nP.	Rs.	nP.	PAYMENTS	Rs.	nP.	Rs.	nP.
To opening balance as on 1-4-1958					By Subscription account				
Post office Savings Bank Account	43,336	69			Advance to subscribers	14,329	00		
Cash in hand	121	00	43,457	69	Refund to Subscribers	1,156	00	15,485	00
Subscription Account					By Contribution Account				
Subscription received during the year	39,100	00			Refund to subscribers			945	00
Refund of advance with interest	8,912	38	48,012	38	By Investments—Post Office National Savings Certificates			61,900	00
Contribution Account					Glosing balance in the Post Office Savings Bank Account			41,876	97
Contribution received			25,939	00					
Special contribution by the Committee to subscribers			2,491	06					
Interest on Post Office Savings Bank account for 1957-58			306	84					
			1,20,206	97				1,20,206	97

Income and Expenditure Account

EXPENDITURE	Rs. nP.	INCOME	Rs. nP.	Rs. nP.
To interest credited to subscription account . . .	5,876.00	By special contribution from the Committee for payment of interest.	2,491.06	
To interest credited to contribution account . . .	2,987.00	By excess special contribution credited to subscribers for payment of interest last year, now adjusted	0.02	2,491.08
		By interest on Post Office National Savings Certificates		6,176.25
		By interest on Post Office Savings Bank Account		137.03
		By excess interest accrued on Post Office Savings Bank Account, taken credit in 1957-58		58.64
	<u>8,863.00</u>			<u>8,863.00</u>

Balance Sheet as on 31st March, 1959

LIABILITIES	Rs. nP.	Rs. nP.	ASSETS	Rs. nP.	Rs. nP.
<i>Subscription Account</i>			<i>Post Office N.S.Cs.</i>		
As per last balance sheet	1,40,248.62		As per last balance sheet	1,57,350.00	
Subscription received during the year	39,100.00		Investments during the year	61,900.00	2,19,250.00
Refund of advance with interest	8,912.38		Balance in Post Office Savings Bank account		41,876.97
Interest credited during the year	5,876.00		Interest accrued on Post Office National Savings Certificates upto 31-3-1959		24,808.75
	<u>1,94,137.00</u>		Interest accrued on Post Office Savings Bank Account for 1958-'59		137.03
Less advance & refund to subscribers	15,485.00	1,78,652.00			
<i>Contribution Account</i>					
As per last balance sheet	79,439.75				
Contribution received during the year	25,939.00				
Interest credited during the year	2,987.00				
	<u>1,08,365.75</u>				
Less refund to subscribers	945.00				
	<u>1,07,420.75</u>				
		2,86,072.75			2,86,072.75

Sd/-
Accountant,
Indian Central Coconut Committee,
Ernakulam.

Sd/- P. J. Gregory,
Secretary,
Indian Central Coconut Committee,
Ernakulam.

Verified and found correct.
Sd/-
8/2/60
Deputy Comptroller (O. A. D.)

Receipts & Payments Account of the Indian Central Coconut Committee for the year ended 31-3-1959 (Part I)

RECEIPTS	Rs. nP.	Rs. nP.
To opening balance as on 1-4-1958		4,06,109.52
Coconut Cess		11,17,369.99
Other Receipts		
(a) RECEIPTS FROM PUBLICATIONS—		
Subscription to bulletin	2,176.46	
Subscription to Journal	568.63	
Sale proceeds of H. B. on coconut cultivation	426.90	
Postal charges on publications recovered	164.87	
Advertisement in Journal	280.62	
Advertisement in bulletin	5,796.30	9,413.78
(b) MISCELLANEOUS RECEIPTS (OFFICE)		52,525.72
(c) RECEIPTS FROM—		
(i) C.C.R.S., KASARAGOD		
Farm produce	69,164.08	
Rent on buildings	1,316.46	
Miscellaneous receipts	349.41	
Hire charges of van	12.40	
Receipts from the scheme for the coconut seed procure- ment scheme	71,384.12	1,42,226.47
(ii) C.C.R.S., KAYANGULAM		
Farm produce	20,215.56	
Rent on buildings	1,972.31	
Miscellaneous Receipts	2,030.02	24,217.89
TOTAL		17,51,863.37

PAYMENTS	Rs. nP.	Rs. nP.
I. By Administration		
A.(i) <i>Office of the Indian Central Coconut Committee</i>		
Pay of Officers—Secretary	13,806.99	
Pay of Establishment—		
Pay Class III Staff	32,985.55	
Pay Class IV Staff	4,398.91	
Leave Salary & Pension Contribution	4,791.35	
Indian Central Coconut Committee Provident Fund Contribution	5,893.06	
Allowances & Honoraria—		
Travelling allowance	7,498.56	
Dearness allowance	24,742.45	
House Rent allowance	2,104.33	
Medical attendance	1,011.19	
Contingencies—		
Rent of office building and accommodation	3,065.53	
Postage, Telegram & Telephone	7,578.22	
Books & Publications	576.47	
Stationery & Forms	5,171.99	
Printing	2,904.09	
Office contingencies	6,100.72	
Furniture & Office equipments	2,823.85	
Audit fees	2,400.00	1,27,853.26
(ii) Buildings Residential & non-residential		75,000.00
B. T. A. of Non-official members		9,363.33

PAYMENTS		Rs. nP.	Rs. nP.
<i>C. Publicity & Propaganda</i>			
Bulletin		16,262.17	
Journal		4,360.83	
Monograph		50,344.05	
Atlas		11,046.28	
H. B. on coconut cultivation		1,823.34	
Photographic equipments		191.68	
Exhibition		1,636.73	
Miscellaneous Propaganda		2,353.24	
			88,018.32
<i>II. Agricultural Research</i>			
<i>A. Research Stations</i>			
<i>(i) C.C.R.S., Kasaragod</i>			
<i>(a) Non-recurring Expenditure</i>			
Layout		905.34	
Stores—Farm implements, carts & vans		434.12	
„ —Furniture & Office equipment		16,254.11	
„ —Laboratory Equipments		4,357.68	
			21,951.25
<i>(b) Recurring Expenditure</i>			
Pay of officers & staff		56,196.86	
<i>Allowances & Honoraria—</i>			
Dearness allowance		25,637.58	
Travelling allowance		4,200.69	
Leave salary & Pension Contribution		1,517.35	
Indian Central Coconut Committee Provident Fund Contribution		5,789.00	
Petty construction & repairs		10,512.89	
<i>Other Charges—</i>			
<i>Farm working expenses—</i>			
Cultivation charges		9,704.91	
Manures & Chemicals		5,121.40	
Maintenance of cattle		4,524.41	
Miscellaneous expenses		20,489.03	
Apparatus & materials		10,168.14	
Library Book & Periodicals		1,944.76	
Office contingencies		7,026.49	
Seednut procurement Scheme		28,626.49	
			1,91,460.00
<i>(ii) C.C.R.S., Kayangulam</i>			
<i>(a) Non-recurring Expenditure</i>			
Buildings residential & non-residential		5,120.00	
Stores —Farm implements, cart & van		739.59	
„ —Furniture & office equipments		1,027.39	
„ —Laboratory Equipments		6,799.02	
„ —Meteorological observatory		553.24	
„ —Photographic equipments		1,195.37	
			15,434.61
<i>(b) Recurring Expenditure</i>			
Pay of officers & staff		65,905.12	
<i>Allowances & Honoraria—</i>			
Dearness allowance		25,436.33	
Compensatory allowance including medical attendance		97.15	
Travelling allowance		7,621.56	
Leave salary & Pension contribution		971.76	
Indian Central Coconut Committee Provident Fund Contribution		7,568.00	
Petty construction & repairs		6,862.87	

PAYMENTS	Rs. nP.	Rs. nP.
<i>Other Charges—</i>		
<i>Other working expenses—</i>		
Cultivation charges	7,919.29	
Fertilisers & Chemicals	9,278.45	
Miscellaneous expenses	13,881.42	
Apparatus & Chemicals	4,975.26	
Library Books & Periodicals	2,603.41	
Office contingencies	13,482.62	1,66,603.24
<hr/>		
B. Grant-in-aid Schemes		
<i>(a) Research Schemes</i>		
R.C.R.S. in Travancore (Kerala)	32,267.00	
„ Andhra	5,400.00	
„ Bombay	3,198.00	
„ Assam	9,000.00	
	<hr/>	49,865.00
<i>(b) Coconut Nurseries</i>		
Orissa Comprehensive	2,000.00	
West Bengal, Chandernagore	4,275.00	
Scheme for the expansion of coconut nurseries in T. C. State	6,775.00	
Ollukkara	685.00	
Cooch Behar	2,690.00	
Wadakkancherry	1,470.00	
Coconut nurseries in Kerala N.E.S. Blocks	6,245.00	24,140.00
	<hr/>	
<i>(c) Miscellaneous</i>		
Scheme for the establishment of Zonal Parasite Breeding Stations for biological control of <i>Nephantis serinopa</i> in Kasaragod	1,345.00	
Scheme for the establishment of Zonal Parasite Breeding Stations for biological control of <i>Nephantis sernopa</i> in Travancore-Cochin	6,654.00	
Scheme for maintenance of a representative varieties of coconuts in Assam	510.00	
Scheme for the investigation of band disease of coconut palms in Bombay State	8,050.00	16,559.00
<i>Closing Balance</i>		
Cash balance with S.B.I. Cochin	*9,24,708.42	*Includes Rs.
Imprest — Indian Central Coconut Committee	750.00	2,562.48 in
„ — CCRS., Kasaragod	1,500.00	Kayangulam ¹
„ — CCRS., Kayangulam	1,500.00	and Kasaragod
Caution money deposit	50.00	Sub Treasuries
		(P.D.A/c9.)
<i>Travelling Allowance advances recoverable account—</i>		
Paid to No. II a/c Staff.		
Office of the Indian Central Coconut Committee	20.00	
C.C.R.S., Kasaragod	231.00	
C.C.R.S., Kayangulam	148.23	
<i>Festival advance</i>		
Office of the Indian Central Coconut Committee	498.00	
C.C.R.S., Kasaragod	719.00	
C.C.R.S., Kayangulam	561.00	

PAYMENTS	Rs. nP.	Rs. nP.
<i>Advance for the purchase of conveyance —</i>		
Cycle loan	897·00	
Lambretta Scooter	1,946·00	
Car Loan	10,600·00	
Advance to coconut seed procurement scheme	14,000·00	
Temporary advance to C. C. R. S., Kasaragod	3,000·00	
Second Five-Year Plan account transfer	4,418·79	
Publicity & Propaganda Advances recoverable	47·92	
Advance transfer pay	20·00	
		9,65,615·36
		17,51,863·37

Sd/-
Accountant,
Indian Central Coconut Committee
Ernakulam.

Sd/-
P. J. Gregory,
Secretary,
Indian Central Coconut
Committee, Ernakulam.

Verified and found correct
subject to remarks in the
Inspection report.

Sd/-

Deputy Comptroller,
O. A. D. 8/2/60.

Receipts and Payments Account of the Indian Central Coconut Committee for the year ended March, 1959 (Part II)

RECEIPTS	Rs. nP.
To opening balance	64,325·25
Contribution from the Central Government towards scheme for the development of coconut under the Second Five-Year Plan	3,85,674·75
	4,50,000·00

Receipts & Payments Account of the Indian Central Coconut Committee for the year ended March, 1959 (Part II)

(Subject to Audit)

PAYMENTS	Rs. nP.	Rs. nP.
<i>I. By Administration</i>		
1. Pay Class III Staff	9,734·49	
2. Pay Class IV Staff	1,037·67	
3. Dearness Allowance	8,734·40	
4. House Rent Allowance	1,087·39	
5. Travelling Allowance	236·90	
6. I.C.C.C., P. F. Contribution	1,827·00	
		22,657·8

PAYMENTS		Rs. nP.	Rs. nP.
11. Agricultural Research			
A. Research Stations			
(i) C.C.R.S., Kavaragod			
(a) Non-recurring expenditure			
1. Cost of land		30,000.00	
2. Layout		474.00	
3. Buildings Residential and non-residential		10,220.00	
4. Stores			
(i) Farm implements including carts & v		1,220.55	
(ii) Furniture & office equipments			
(iii) Laboratory equipment		618.18	
			42,532.73
(b) Recurring Expenditure			
1. Pay of Officers and staff		21,705.79	
2. Allowances & Honoraria			
(i) Dearness Allowance		12,773.15	
(ii) T.A.		533.46	
3. Petty construction and repairs		1,093.00	
4. P. F. Contribution		2,102.00	
5. Other Charges			
(a) Apparatus & Chemicals		5,197.26	
(b) Library Books and periodicals		703.82	
(c) Office Contingencies		1,072.36	
			45,190.84
(ii) C.C.R.S., Kayangulam			
(a) Non-recurring expenditure			
1. Cost of land		27,008.44	
2. Layout			
3. Buildings Residential and non-residential		3,662.00	
4. Stores			
(i) Farm implements including carts and v			
(ii) Laboratory equipments		4,293.02	
(iii) Photographic equipments		95.26	
(iv) Furniture and office equipment			
			35,058.72
(b) Recurring expenditure			
1. Pay of officers and staff		29,479.96	
2. Allowances and Honoraria			
(i) Dearness Allowance		20,359.36	
(ii) Other compensatory allowance including medical attendance			
(iii) Travelling allowance		2,549.43	
3. Other charges		18,340.55	
4. I.C.C.C.C.P.F. contribution		3,370.00	
			74,099.30
B Grant-in-aid Schemes			
R.C.R.S in			
1. Orissa		15,650.00	
2. Madras		3,510.00	
3. Mysore		14,950.00	
			34,100.00

MINISTRY OF HEALTH

New Delhi, the 26th September 1960

S.O. 2439.—Dr. Babu Raja Mehra, Dental Surgeon, Nizamia Hospital, Hyderabad, Andhra Pradesh has been duly elected as a member of the Dental Council of India under clause (a) of section 3 of the Dentists' Act, 1948 (16 of 1948), with effect from the 10th May, 1960.

[No. F. 3-2/60-MIL.]

S.O. 2440.—Dr. P. D. Srivastava, Additional Director of Medical and Health Services, Uttar Pradesh has been duly renominated as a member of the Dental Council of India under clause (e) of section 3 of the Dentists Act, 1948 (16 of 1948) with effect from the 29th September, 1960.

[No. F. 3-2/60-MIL.]

R. MURTHI, Under Secy

New Delhi, the 26th September 1960

S.O. 2441.—The Madras State Pharmacy Council having elected, in exercise of the powers conferred by clause (g) of section 3 of the Pharmacy Act, 1948 (8 of 1948) Shri C. S. Ramanathan, No. 41, North Veli Street Madurai, as its representative on the Pharmacy Council of India, to succeed Shri N. P. Abraham, B.Pharm., M.S. (Pharm) (Phila-USA), M/s. Spencers & Co., Madras-2, the Central Government makes with effect from 25th November, 1960 the following further amendment in the notification of the Government of India in the Ministry of Health, No. F. 7-23/59-D, dated the 21st December, 1959, namely:—

In the said notification, under the heading "V. Elected by the State Pharmacy Councils under clause (g)" for the entry '4. Shri N. P. Abraham, B.Pharm., M.S. (Pharm.) (Phila-USA), M/s. Spencers & Co., Madras-2', the entry '4. Shri C. S. Ramanathan, No. 41, North Veli Street, Madurai' shall be substituted.

[No. F. 7-23/59-D.]

New Delhi, the 28th September 1960

S.O. 2442.—The following draft rules to amend the Drugs Rules, 1945, which the Central Government proposes to make in exercise of the powers conferred by sections 12 and 33 of the Drugs Act, 1940 (23 of 1940), is published as required by the said sections for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 30th November, 1960.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

Draft Amendments

1. These Rules may be called the Drugs (Amendment) Rules, 1960.

2. In the Drugs Rules, 1945,

(1) after Rule 62-A, the following Rule shall be inserted, namely:—

"62-B. Conditions to be satisfied before a licence in Form 20-A or Form 21-A is granted:

(1) A licence in Form 20-A or Form 21-A shall not be granted to any person, unless the authority empowered to grant the licence is satisfied that the premises in respect of which the licence is to be granted are adequate and equipped with proper storage accommodation for preserving the properties of drugs to which the licence applies:

Provided that this condition shall not apply in the case of licence granted to itinerant vendors.

(2) In granting a licence under Rule 62-A the authority empowered to grant it shall have regard:—

- (i) to the number of licences granted in the locality during one year immediately preceding; and
- (ii) to the occupation, trade or business carried on by such applicant:

Provided that the licensing authority may refuse to grant or renew a licence to any applicant or licensee in respect of whom it is satisfied that by reason of his conviction of an offence under the Act or these Rules or the previous cancellation or suspension of any license granted thereunder, he is not a fit person to whom a licence should be granted under this Rule.

(3) Any person who is aggrieved by the Order Passed by the licensing authority in sub-rule (1) may, within 30 days from the date of the receipt of such order, appeal to the State Government and the State Government may, after such enquiry into the matter as it considers necessary and after giving the appellant an opportunity for representing his views in the matter, make such order in relation thereto as it thinks fit."

(2) In Rule 64, for sub-rule (3), the following sub-rule shall be substituted, namely:—

"(3) Any person who is aggrieved by the Order Passed by the licensing authority in sub-rule (1) may, within 30 days from the date of the receipt of such order, appeal to the State Government and the State Government may, after such enquiry into the matter as it considers necessary and after giving the appellant an opportunity for representing his views in the matter, make such order in relation thereto as it thinks fit."

[No. F. 1-9/60-D.]

M. K. KUTTY, Dy. Secy.

MINISTRY OF TRANSPORT & COMMUNICATIONS

(Department of Communications & Civil Aviation—P. & T. Board)

New Delhi, the 8th October 1960

S.O. 2443.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (13 of 1885), the Central Government hereby makes the following amendments to the Indian Telegraph Rules, 1951, namely:—

1. These rules may be called the Indian Telegraph (Amendment) Rules, 1960.
2. In rule 2 of the Indian Telegraph Rules, 1951 (hereinafter referred to as the said rules), after clause (xx), the following clause shall be inserted, namely:—

"(yy).—Subscriber Trunk Dialling facility (S.T.D.) means the facility whereby subscribers can obtain trunk calls without the assistance of operators by the use of the dial provided."

3. In sub-rule (1) of rule 448 of the said rules, for the words "The duration of a trunk call", words, figures and letter "Except as provided in rule 451-A, the duration of a trunk call" shall be substituted.

4. In rule 451 of the said rules, for the first sentence beginning with the words "Charges for trunk calls", the following sentence shall be substituted, namely:—

"Except as provided in rule 451-A, the charges for trunk calls shall be as hereinafter specified."

5. After rule 451 of the said rules, the following rule shall be inserted, namely:—

"451-A. Subscriber Trunk Dialling (S.T.D.).—(1) The subscriber trunk dialling facility shall be available between such places and subject to such rates and conditions as shall be notified from time to time by the Telegraph Authority.

6. The provisions of rule 451 shall not apply to S.T.D. Calls."

[No. 7-104/60-PHT.]

D. F. D. JOSHI,

Director of Telephone Traffic.

MINISTRY OF SCIENTIFIC RESEARCH & CULTURAL AFFAIRS

New Delhi, the 3rd October 1960

S.O. 2444.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following amendment in the Regional Offices (Class III and Class IV posts) Recruitment Rules, 1959, published with the notification of the Government of India in the Ministry of Scientific Research and Cultural Affairs No. S.O. 2169 dated the 25th September, 1959 at pages 2667—2672 in Part II Section 3(ii) of the Gazette of India dated the 3rd October, 1959, namely:—

1. These rules may be called the Regional Offices (Class III and Class IV) Recruitment Amendment Rules, 1960.

2. In the Schedule to the Regional Offices (Class III and Class IV Posts) Recruitment Rules, 1959, against item 2 relating to 'Technical Assistants', under column 10, for the existing entries, the following entries shall be substituted, namely:—

"At least a Second Class Bachelor's Degree in Engineering or Technology;
OR

At least a Second Class Master's Degree in any one of the following subjects, namely:—

Physics, Chemistry, Mathematics, Statistics, Geology, Botany, Zoology."

[No. F. 19-73/57-T.I.]

H. S. SHAHANI, Asstt. Educational Adviser.

ARCHAEOLOGY

New Delhi, the 27th September 1960

S. O. 2445 Whereas the Central Government is of opinion that the ancient monuments specified in the Schedule attached hereto are of national importance;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby gives notice of its intention to declare the said ancient monuments to be of national importance.

Any objection made within two months after the issue of this notification by any person interested in the said ancient monuments will be considered by the Central Government.

SCHE

Monuments to

State	District	Taluk	Locality	Name of monuments
1	2	3	4	5
Maharashtra	Aurangabad	Khuldabad	Verul (Ellora)	Ghrishneshwar temple, Chatries and other ancient sites together with all adjacent land in Survey plot No. 229.

DUIB

be protected

Revenue Plot No. to be included under protection.	Area	Boundaries	Ownership	Remarks.
6	7	8	9	10
Whole of Survey Plot No. 229.	13 acres, 2 gunthas.	<p><i>North</i> :—Survey Plot No. 300 & a portion of Survey Plot No. 292.</p> <p><i>East</i> :—Portion of Survey Plot No. 292 and Survey Plot No. 298 to gether with the Welganga river.</p> <p><i>South</i> :—The Welganga river and P.W.D. Road.</p> <p><i>West</i> :—A portion of P.W.D. road and Survey Plot No. 301.</p>	State Government (Endowment Department).	The temple is in religious use.

SCHEDULE

State	District	Tahsil	Locality	Name of Site	Revenue plot numbers to be included under protection.
1	2	3	4	5	6
Uttar Pradesh	Meerut	Meerut	Alamgirpur	Mound known as Parasu Ram-ka-Khera together with adjacent land in Survey Plot Nos. 319, 326, 327 and 328.	Whole of Survey Plot Nos. 319, 326, 327, and 328.

DULE

Area	Boundaries	Ownership	Remarks.
7	8	9	10
7 Bighas & Biswas.	17 North :—Survey Plot Nos. 318, 316, 315, 331, 330 and 329 of village Alamgirpur. East :—Survey Plot Nos. 315, 331, 330 and 329 of village Alamgirpur and 423, 422 and 420 of village Ukhilina. South :—Survey Plot Nos. 320, 325 and 324 of village Alamgirpur and 420, 422 and 423 of village Ukhilina. West :—Survey Plot Nos. 316, 318, 317, 320 and 325 of village Alamgirpur.	Survey Plot No. 319, Survey Plot No. 326. Survey Plot No. 327, Survey Plot No. 328.	Private. A portion owned by the Gaon Samaj & rest privately owned. Gaon Samaj Private.
			The small shrines of Sitala Devi on the mound are in religious use.

[No. F. 4-17/60-C. 1]

S. J. NARSIAN,
Assistant Educational Adviser.

MINISTRY OF WORKS, HOUSING & SUPPLY*New Delhi, the 8th October 1960*

S.O. 2446.—In exercise of the powers conferred by sub-sections (1) and (2) of Section 4 of the Rajghat Samadhi Act, 1951 (41 of 1951), the Central Government hereby nominates Shri N. Rama Rao, Superintending Engineer, Construction Circle, Central Public Works Department, New Delhi, to be a member of the Rajghat Samadhi Committee in place of Shri N. N. Khanna and makes the following further amendment in the notification of the Government of India in the Ministry of Works, Housing and Supply No. W-14(56)/57, dated the 5th March, 1959, namely:—

In the said notification, for the entry “(3) Shri N. N. Khanna, Superintending Engineer, 1st Circle, Central Public Works Department, New Delhi”, the following entry should be substituted, namely:—

“(3) Shri N. Rama Rao, Superintending Engineer, Construction Circle, Central Public Works Department, New Delhi.”

[No. W-14(56)/57.]

S. CHAUDHURI, Dy. Secy.

MINISTRY OF REHABILITATION*New Delhi, the 24th September 1960*

S.O. 2447.—In exercise of the powers conferred by sub-section (1) of section 55 of the Administration of Evacuee Property Act, 1950 (Act XXXI of 1950), the Central Government hereby directs that the powers exercisable by it under sub-section (1) of section 11 of the said Act shall be exercisable also by the Government of Madhya Pradesh in respect of Muslim evacuee properties in trust for a public purpose of a religious or charitable nature in that State.

[No. 2(25)-I/60-Prop.]

New Delhi, the 26th September 1960

S.O. 2448.—In exercise of the powers conferred by sub-section (1) of section 55 of the Administration of Evacuee Property Act, 1950 (Act XXXI of 1950), the Central Government hereby directs that the powers exercisable by it under sub-section (1) of section 11 of the said Act shall be exercisable also by the Government of Rajasthan in respect of Muslim evacuee properties in trust for a public purpose of a religious or charitable nature in that State.

[No. 2(25)-II/60-Prop.]

S. PRASADA, Dy. Secy.

Office of the Chief Settlement Commissioner*New Delhi, the 26th September 1960*

S.O. 2449.—In exercise of the powers conferred by sub-section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri Narinjan Singh, P.C.S., Assistant Land Claims Officer, Jullundur under the Punjab Government to be an Assistant Settlement Commissioner in the State of Punjab, for the purpose of performing, in addition to his own duties as Assistant Land Claims Officer, the functions assigned to an Assistant Settlement Commissioner by or under the said Act, in respect of agricultural lands and shops in any rural areas including houses, cattle shed and vacant sites, if any, in any such area allotted alongwith any such lands and forming part of the compensation Pool.

[No. F. 3(40)/Policy-II/60/Lands.]

New Delhi, the 27th September 1960

S.O. 2450.—In exercise of the powers conferred by clause (a) of sub-section (2) of Section 16 of the Displaced Persons (Compensation & Rehabilitation) Act No. 44 of 1954 the Central Government hereby appoints Shri J. M. Sheth as

Managing Officer, Hyderabad for the custody, management and disposal of compensation pool.

[No. 7(13)/AR(G)/60.]

KANWAR BAHADUR,

Settlement Commissioner (A) and
Ex-Officio Dy. Secy.

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 24th September 1960

S.O. 2451.—In exercise of the powers conferred by section 90 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts each of the undermentioned factories from all the provisions of the said Act for the further period specified against it:—

Factories belonging to the Central Public Works Department under the Ministry of Works, Housing and Supply	Period of exemption.
1. The Electric Fans, Motors and Appliances Repair Shop, Barakhamba Road, New Delhi.	For one year with effect on and from 14-9-60.
2. The Horticultural Tools and Implements Repair Shop, New Delhi.	For one year with effect on and from 14-9-60.
3. The Auto and General Repairs and General Machine Shop and Foundry, American Ware house, Factory Road, New Delhi.	For one year with effect on and from 14-9-60.
4. The Desert Cooler, Refrigerator, Air Conditioning and Electric Repair Workshop, Barakhamba Road, New Delhi.	For one year with effect on and from 14-9-60.

2. This notification shall be deemed to have come into force on the 14th September, 1960.

[F. No. HI-6(59)/60].

New Delhi, the 27th September 1960

S.O. 2452.—In pursuance of clause (e) of sub-section (1) of section 10 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby nominates Shri Sri Thandaveswara to be a member of the Medical Benefit Council and makes the following further amendment in the notification of the Government of India in the Ministry of Labour and Employment No. HI-1(1)/58, dated the 1st July, 1958, namely:—

In the said notification, under the heading 'Members', under the sub-heading '(Nominated by the Central Government under clause (e) of sub-section (1) of section 10 in consultation with organisations of employers recognised by that Government)', for item (17), the following item shall be substituted, namely:—

"(17) Shri Sri Thandaveswara, Administrative Officer, Delhi Cloth and General Mills Co., Ltd., Bara Hindu Rao, Delhi".

[No. F. HI-1(57)/60.]

ORDER

New Delhi, the 27th September 1960

S.O. 2453.—In exercise of the powers conferred by section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts, for a further period of one year with effect from the 1st October, 1960, from the payment of the employer's special contribution under Chapter V-A, of the said Act, every factory—

(a) which is exclusively engaged in one or more of the manufacturing processes specified in column 1 of the Table annexed hereto or any other manufacturing process which is incidental to, or connected with, any of the aforesaid processes or in any other manufacturing process carried on in a seasonal factory of the nature referred to in clause (12) of section 2 of the said Act; and

(b) which is situated in any area specified in the corresponding entry in column 2 of the said Table, subject to the condition, if any, specified in the corresponding entry in column 3 of the said Table.

TABLE

Name of the manufacturing process,	Area where situated	Conditions
1. Redrying unmanufactured leaf tobacco	Whole of India except the State of Jammu and Kashmir.	
2. Rice Milling	Do.	
3. Cold storage	Do.	
4. Salt manufacture	Do.	
5. Oil Mills	Do.	Provided that the process of oil milling is subsidiary to any other manufacturing process which is seasonal and so long as the number of employees engaged in oil milling is less than fifty.
6. Ice manufacture	The States of Punjab, Uttar Pradesh, Rajasthan, Madhya Pradesh, Bihar and Andhra Pradesh and the Union territories of Delhi and Himachal Pradesh.	

[No. HI-6(88)/60.]

BALWANT SINGH, Under Secy.

New Delhi, the 26th September 1960

S.O. 2454.—In pursuance of the provisions of paragraph 20 of the Employees' Provident Fund Scheme 1952, and in supersession of notification of the Government of India in the Ministry of Labour and Employment No. S.O. 1368 dated the 18th May, 1960, the Central Government hereby appoints Shri D. K. Badheka, I.A.S. as Regional Provident Fund Commissioner for the whole of the State of Gujarat vice Shri G. R. Deshpande, Shri D. K. Badheka shall work under the general control and superintendence of the Central Provident Fund Commissioner.

[No. 31(740)/60/PFL]

S.O. 2455.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), and in supersession of notification of the Government of India in the Ministry of Labour and Employment No. S.O. 1369 dated the 18th May, 1960, the Central Government hereby appoints Shri D. K. Badheka, I.A.S. to be an Inspector for the whole of the state of Gujarat for the purpose of the said Act and if any scheme framed thereunder, in relation

to an establishment belonging to, or under the Control of, the Central Government or in relation to an establishment connected with a railway company, a major port, a mine or an oil-field or a controlled industry, vice Shri G. R. Deshpande.

[No. 31(740)/60/PFI.]

New Delhi, the 1st October 1960

S.O. 2456.—In pursuance of clause (b) of sub-paragraph (1) of paragraph 3 of the Employees' Provident Funds Scheme 1952, the Central Government hereby nominates the Deputy Secretary to the Government of India, (Industrial Coordination), Ministry of Commerce and Industry, New Delhi, to be a member of the Board of Trustees (Central Board) in place of Shri K. C. Madappa, I.A.S., Deputy Secretary who has resigned, and makes the following amendment in the notification of the Government of India in the Ministry of Labour No. S.R.O. 1861 dated the 31st October, 1952, namely:—

In the said notification, for entry 3, the following entry shall be substituted, namely:—

"3. The Deputy Secretary to the Government of India, (Industrial Coordination), Ministry of Commerce and Industry, New Delhi."

[No. 10(10)/60-PF.II.]

New Delhi, the 3rd October 1960

S.O. 2457.—In pursuance of clause (a) of sub-paragraph (1) of paragraph 4 of the Employees' Provident Funds Scheme, 1952, the Central Government hereby nominates the Joint Secretary to the Government of West Bengal, Labour Department, as the Chairman of the Regional Committee for the State of West Bengal in the vacancy caused by the resignation of Shri S. K. Bannerji, and makes the following further amendment in the notification of the Government of India in the Ministry of Labour No. S.R.O. 1278, dated the 20th June, 1953, namely:—

In the said notification, for entry (1), the following entry shall be substituted, namely:—

"(1) The Joint Secretary to the Government of West Bengal, Labour Department, Calcutta."

[No. 10(5)/60-PFII.]

S.O. 2458.—In exercise of the powers conferred by section 4 of the Mica Mines Labour Welfare Fund Act, 1948 (22 of 1948) read with sub-rule (2) of rule 3 of the Mica Mines Labour Welfare Fund Rules, 1948, the Central Government hereby nominates Shri G. V. Ramakrishna, I.A.S., Collector of Nellore, to be a member of the Mica Mines Labour Welfare Fund Advisory Committee for the State of Andhra Pradesh in place of Shri K. V. Natarajan, I.A.S., who has been posted as Joint Collector, Nellore, and directs that the following amendment shall be made in the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 1979 dated the 17th September, 1958 as amended by S.O. 1661 dated the 21st July, 1959 and S.O. 2020 dated the 6th August, 1960, namely:—

In the said notification, for entry (1), the following shall be substituted, namely:—

"(1) Shri G. V. Ramakrishna, I.A.S., Collector of Nellore—Chairman."

[No. M-III 23(3)/60.]

A. P. VEERA RAGHAVAN, Under Secy.

New Delhi, the 28th September 1960

S.O. 2459/PWA/Rlys./Rules/Am.—The following draft of a further amendment to the Payment of Wages (Railways) Rules, 1938, which the Central Government proposes to make in exercise of the powers conferred by sub-sections (2), (3) and (4) of section 26, read with section 24, of the Payment of Wages Act, 1936 (4 of 1936), is published as required by sub-section (5) of the said section 26, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 5th January 1961.

Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central

Government. Such objections or suggestions may be addressed to "The Secretary to the Government of India, Ministry of Labour and Employment, New Delhi":

Draft Amendment

(1) These Rules may be called the Payment of Wages (Railways) Amendment Rules, 1960:

(2) In the Payment of Wages (Railways) Rules, 1938, in sub-rule (2) of rule 1, for the words and figures "or by a contractor employing on an average 20 or more persons daily in any one month in the preceding 12 months", the words and figures "or by a contractor who either employs 20 or more persons on any day or employed 20 or more persons on any day of the preceding 12 months" shall be substituted

[No. 535/5/60-Fac.]

S.O. 2460.—In pursuance of clause 4 of the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956, the Central Government hereby appoints Shri D. A. Rostron, as a member of the Calcutta Dock Labour Board *vice* Shri J. C. Napier, resigned, and directs that the following further amendment shall be made in the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 1485 dated the 2nd June, 1960, namely:—

In the said notification, under the heading "Members representing the employers of dock workers and shipping companies", in item (5), for the entry "Shri J. C. Napier", the entry "Shri D. A. Rostron" shall be substituted.

[No. 523(37)/60 Fac.]

R. C. SAKSENA, Under Secy.

New Delhi, the 28th September 1960

S.O. 2461.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bombay in the industrial dispute between Messrs. Thakore Lalit and Company, Bombay and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY

Reference CGIT No. 25 of 1960

Employers in relation to Messrs. Thakore Lalit & Co.

AND

Their workmen.

PRESENT:

Shri Salim M. Merchant, B.A., LL.B., Presiding Officer

Bombay, the 23rd September 1960

APPEARANCE:

For the employers.—Shri V. K. Karoor, Manager of the company.

For the workmen.—Shri C. C. Dudhia, Barrister-at-Law with Shri H. N. Trivedi,

President, Bombay Stevedores and Dock Labourers' Union.

STATE: Maharashtra

INDUSTRY: Clearing and handling.

AWARD

The Central Government, by the Ministry of Labour and Employment's Order No. 28/26/60/LRIV dated 25th June 1960, made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), was pleased to refer to me for adjudication the industrial

dispute between the parties above named in respect of the matters specified in the following schedule to the said Order:—

SCHEDULE

"Whether (1) Shri K. V. Sundaram (2) Shri Muthal Padyachi (3) Shri K. Mani and (4) Shri Abdulla should be reinstated in service with back wages "

2. After the order of reference was received notices for filing written statements were issued upon the Secretary, Transport and Dock Workers' Union, and the President, Bombay Stevedores and Dock Labourers Union and for filing its reply statement on Messrs. Thakore Lalit & Co. The Bombay Stevedores and Dock Labourers' Union filed its written statement of claim dated 16th July 1960 but no written statement was received from the Transport and Dock Workers' Union. The management's reply statement to the written statement of claim of the Bombay Stevedore and Dock Labourers' Union, was received on 9th August 1960. Thereafter, notices fixing the hearing of the dispute on 29th August 1960 were served on both the unions and the employers. At the hearing of this dispute on 29th August 1960, Shri M. C. Kotwal, Secretary of the Transport and Dock Workers' Union stated that he did not desire to represent the workmen in this dispute. Thereafter, the dispute was taken up for further hearing on 21st September 1960.

3 Messrs. Thakore Lalit & Co. (hereinafter referred to as the company) are clearing and handling contractors to the Ministry of Food and the Central Railway, and as such act as the Central Government's foodgrain contractors in the clearance of foodgrains from the Bombay Docks. After obtaining the present contract from the Food Ministry, the company commenced work on 1st March 1959. The Bombay Stevedores and Dock Labourers' Union in its written statement of claim has stated that most of the workmen who are employed by the company in this work became its members and that on 17th March 1959 it entered into an agreement with the company in respect of the rates of payment for the work and other service conditions. This union has further stated that the company had also undertaken not to recruit or retrench any workmen without its consent. Later on, this agreement was legalised by the signing of a settlement on 5th November 1959.

4. It appears that on 1st February 1960 there was a quarrel between the workmen belonging to the filling gangs and some of them went over to the Transport and Dock Workers' Union which called out a strike. In consequence of that strike the company and that union signed an agreement on 13th February 1960. By clause 6 of that agreement the employers agreed to remove from service with immediate effect the five workmen named therein, of whom four are the workmen concerned in this reference, and the fifth was one P. Muthu Devar. The Bombay Stevedores and Dock Labourers' Union in its written statement has submitted that the Transport and Dock Workers' Union at the instance of the filling mukadam of the company insisted on removal from service of these five workmen and forced its will on the company and that the latter acquiesced in signing that agreement in order to see that its work was re-started; that later, the company had admitted before the Regional Labour Commissioner (Central) and the Conciliation Officer (Central) that the dismissal of the four workmen concerned in this reference was forced on it against its will by the Transport and Dock Workers Union. This statement is borne out by what the company has stated in its written statement. The company in its written statement has observed that since the Transport and Dock Workers' Union's intention was that these persons (workmen concerned in the dispute) should not work it could not take any initiative of its own as there was a threat of stoppage of work if these persons were given work and the Transport and Dock Workers' Union would have said that the company was making a breach of the terms of settlement dated 13th February 1960 between it and that union, a copy of which it has annexed to its written statement.

5. At the hearing on 21st September 1960, Shri V. K. Karoor, Manager of the Company stated that he had no objection to take back in service the four workmen under reference and he further stated that the agreement of 13th February 1960 with the Transport and Dock Workers' Union was forced upon the company by the threat of a strike.

6 In view of this statement of Shri Karoor, and in view of the fact that although two notices were issued to the Transport and Dock Workers Union, it has not appeared to oppose the claim for reinstatement of these four workmen,

I direct that the company shall take back these four workmen into its service in the same posts which they were holding immediately prior to their removal from service, within one month of this award becoming enforceable. In view of the circumstances of this case, I make no order for back wages and for costs.

SALIM M. MERCHANT,

Presiding Officer,
Central Government Industrial
Tribunal, Bombay.

[No. 28/26/60/LR.IV.]

New Delhi, the 1st October 1960

S.O. 2482.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bombay in the industrial dispute between Bombay Port Trust and their workmen.

**BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL
TRIBUNAL, BOMBAY**

Reference CGIT—No. 15 of 1960

Employers in relation to the Bombay Port Trust

AND

Their workmen.

PRESENT:

Shri Salim M. Merchant, B.A., LL.B., Presiding Officer.

Bombay, the 24th September 1960

APPEARANCES:

For the Bombay Port Trust: Shri S. D. Nariman, Legal Adviser, Bombay Port Trust, with Shri R. N. Vinekar, Executive Engineer, Dredging, Engineering Department, Bombay Port Trust.

For the workmen: Dr. S. G. Patel, General Secretary and Shri S. J. Deshmukh, Assistant Secretary, Bombay Port Trust Employees' Union.

STATE: Maharashtra.

INDUSTRY: Ports and Docks.

AWARD

The Central Government by the Ministry of Labour and Employment's Order No. 28/10/60-LRIV-I, dated 11th March 1960, made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), was pleased to refer to me for adjudication the industrial dispute between the parties above named in respect of the matters specified in the following schedule to the said Order:—

SCHEDULE

- "1. Should there be any increase of diving allowance for the divers and if so, what should it be?
2. (a) Should the Bombay Port Trust insure Divers against death or disability if caused while on duty in addition to the compensation under the Workmen's Compensation Act, if so, what should be the amount of the Policy and from which date?
- (b) In the event of death or disability occurring to any workmen of the Salvage Section while on duty during the period from 17th February 1960 to the date on which the Award becomes effective, should any compensation be paid in addition to the compensation payable under Workmen's Compensation Act, to the workmen concerned; if so, what should be its quantum?
3. Should any special payment of bonus be paid to the workmen of Salvage Section for work done on the Storm and Lock Gates and

Caissons. If so, what should be the quantum and basis of the payment?

4. Should workmen of the Salvage Section be paid 25 per cent of their wages for every month for work done on the Gates and Caissons. If so, what should be the quantum and basis and the period for which this special allowance should be paid?
5. Should Linemen be provided with woollen clothes. If so, from which date?
6. Should workmen in the Salvage Section be provided with quarters free of rent?
7. Is there any justification for the revision of scales of pay of Divers, Linemen, Syrangs, Tindets, Office-boys, Deck-Hands, Bhandaris, and Mazdoors. If so, what should be the scales?
8. Should there be any scheme of special pension for Divers. If so, what should be the basis and quantum of the pension?
9. Whether workmen doing the work of maintenance overhauling of Diving Pumps and Diving Gears be designated as Fitters?
10. Is there any justification for any allowance for Linemen for looking after the lines and Pipes? If so, what should be the quantum and the basis for payment?
11. Should any or all the demands mentioned above be given effect from 1st November 1959 as demanded by the Union? If not, what should be the date of implementation if any?

2. By another Order No. 28/10/60/LRIV/II, dated 11th March 1960, made in exercise of the powers conferred by sub-section (3) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government prohibited the continuance of the strike in existence in the said Port in connection with the id dispute.

3. After the usual notices were issued on the parties, the Bombay Port Trust Employees' Union, hereinafter called the union, filed its written statement of claim on 25th April 1960 to which the Bombay Port Trust, hereinafter referred to as the Port Trust, filed its written statement in reply dated 12th May 1960. Thereafter, the union filed a rejoinder statement on 24th May 1960 and an "application for information" on 26th May 1960. The Bombay Port Trust on 30th May 1960 filed its supplemental written statement to these rejoinders after which the Union filed yet another additional statement dated 13th June 1960. In its subsequent written statements, the Union has improved upon the claims which it had made in its first written statement of 25th April 1960. Thereafter, the dispute was taken up for hearing on 4th July 1960 and the hearing concluded on 11th August 1960.

4. I may state that during the hearing, I was given a demonstration of the work of divers and was also taken to the dredger "Walrus" where the workers of the salvage section reside. I also saw the segments of the roller pathways and the pintles and other parts of the lock gates, which the divers had removed. I was also taken for inspection of the Wadi Bunder quarters and one of the dormitories.

5. The Port Trust examined as its witness Shri R. N. Vinekar, Executive Engineer (Dredging), (E.W. 1) and the union examined as its witness Shri V. C. Curran, Senior Foreman Diver (W.W. 1). A large number of documents were filed at the hearing and I had the benefit of lengthy and illuminating addresses by the representatives of both sides.

6. It appears that the union by its letter dated 19th November 1959 submitted four demands on behalf of the divers of the salvage section claiming (1) enhancement of the dip allowance from annas eight per hour to rupees two and fifty naye paise per hour, (2) life insurance of each diver for a sum not less than Rs 10,000/-, (3) lump sum payment for work done on storm and lock gates and caissons and (4) special allowance for the work on the gates as stated above and, as it did not hear anything in reply from the Port Trust for over two months, on 3rd February 1960 the Union addressed another letter, in which, *inter alia*, it submitted six additional demands relating to (a) woollen coats and

uniforms, (b) quarters, (c) revision of the scales of pay for the various categories of employees in the salvage section, (d) special pension scheme for divers, (e) pension to Mrs. Dean, widow of a Senior Foreman Diver who had died whilst on diving work and her children and (f) that the demands made should be granted with effect from 1st November 1959. The union in that letter threatened that in case of failure to comply with those demands by 15th February 1960, the workmen would go on strike, from that date. Thereafter, by letter dated 12th February 1960 the union submitted two additional demands (a) for creation of two additional posts of fitters and the appointment thereto of the linesmen whose duty it is to maintain in good condition and overhaul the diving pumps and gears and (b) for an allowance for linesmen. Nothing seems to have been done by the Port Trust till the workmen struck work on 15th February 1960, after which by its letter dated 16th February 1960, it offered to join in conciliation proceedings over the dispute. Conciliation proceedings were held on 20th February 1960 during which the Port Trust offered to make a joint application under section 10(2) of the Industrial Disputes Act, 1947 to Government for reference of the dispute to adjudication by an Industrial Tribunal or to refer the same to arbitration, if the strike were called off. The union, however, was not agreeable to this suggestion. Thereupon conciliation proceedings were held, but ended in failure and the Conciliation Officer submitted his failure report dated 23rd February 1960 after which the dispute was referred to adjudication on 11th March 1960 as stated above. Although by another order of 11th March 1960 made under section 10(3) of the Act continuance of the strike was prohibited, it is admitted that the union in violation of this order continued the strike till 22nd March 1960, which was patently illegal.

7. I shall now proceed to discuss the demands.

8. *Demand No. 1.*—"Should there be any increase of diving allowance for the divers; and if so what should it be?" Before dealing with the demand on its merits, I should first like to dispose of certain preliminary objections urged by Shri Nariman on behalf of the Bombay Port Trust.

9. It has been urged by Shri Nariman that the demand for enhancement of the rate of the diving allowance should not be considered by this Tribunal because the question of the pay scales applicable to divers is under the consideration of the Committee for the classification and categorisation of class III and class IV employees of major ports. Shri Nariman has made it clear that his objection is not on the ground of the jurisdiction of this Tribunal to adjudicate on this demand, but on the ground of public policy.

10. To understand the full implications of this contention some back-ground history is necessary. After the Central Pay Commission (1947) made its report, the Government of India in November 1956 appointed Shri P. C. Chaudhuri, I.C.S., as officer on special duty to undertake an enquiry into the various demands of labour in ports and docks. One of the main terms of the reference to Shri Chaudhuri was to enquire into the disparities and anomalies in the scales of pay and allowances of class III and class IV employees of the various categories in the Major Ports and to make recommendations for the rationalisation of the pay structures of the various categories in light of the recommendations made by the Central Pay Commission for Central Government employees of comparable status. The recommendations of the Special Officer were to aim at bringing about as large a measure of uniformity as is possible in the pay scales of posts of the same category in all the major ports provided the duties are the same, on the principle of equal pay for equal work. The decision of the Government of India on the report submitted by Shri Chaudhuri is contained in the Ministry of Transport and Communications (Department of Transport), Resolution No. 23-PLA(87)/58, dated 20th July 1958. By para 5 of that Resolution the Government of India announced their decision in agreement with the Unions, to set up a committee to undertake the work of classification and categorisation of class III and class IV posts in the major ports of Bombay, Calcutta, Madras, Kandla, Visakhapatnam and Cochin. Para 7 of the Resolution *inter alia*, clearly stated that (i) the decisions of the committee shall be final and binding on the Port authorities, as well as the labour; (ii) the revised scales recommended by the committee shall come into force from 1st October 1957. Thereafter, the Government of India by the Ministry of Transport and Communications (Department of Transport) Resolution No. 23-PLA(91)/56, dated 23rd August 1958, set up the committee for classification and categorisation of class III and class IV employees of Major Ports with representatives of the Docks administration and of labour, with an independent chairman in Shri F. Jeejeebhoy, Bar-at-Law, former Chairman of the Labour Appellate Tribunal, and I shall in this award refer to this Committee as the Jeejeebhoy Committee.

11. The scope of the Committee's work as stated in the Government Resolution setting up the Committee is as follows:—

"The Committee will examine the duties and responsibilities of the various posts and fit them into one or the other of the scales of pay given in the attached Schedule, in the light of the scales of pay posts with comparable duties and responsibilities in other departments of Government. Should the Committee feel that, owing to the existence of gradations of skill and responsibilities or both, the scales given in the schedule cannot be adopted fully in the case of a particular post or group of posts, they are free to suggest breaking up of longer scales (i.e. a scale extending over a number of years such as Rs. 60—3—81—EB—4—125—5—130) into two or three shorter scales for adoption in those cases. Shorter scales may also be suggested in cases where the method of recruitment is not direct but by departmental promotion or a higher start is justified owing to higher qualifications prescribed for the post. The Committee is not precluded from recommending scales going beyond the indicated maximum if on a comparison of the duties and responsibilities of the categories of the posts in the ports with the duties and responsibilities of similar categories in other establishments, the weight of evidence is in favour of such recommendation, provided that the scale recommended does not go beyond the scale adopted in the Government Departments for comparable categories."

12. It will thus be seen that the scope of the Jeejeebhoy Committee's work is limited to classify and categorise class III and class IV posts in major ports into the scales of pay stated in Appendix II to the Government Resolution, dated 20th July 1958. The Jeejeebhoy Committee can at best recommend scales going beyond the indicated maximum if on a comparison of the duties and responsibilities of the categories of the posts in the Ports with the duties and responsibilities of similar categories in other establishments, the weight of evidence is in favour of such recommendation, provided that the scale recommended does not go beyond the scale adopted in the Government Departments for comparable categories. There does not, therefore, appear to be any power in the Committee to consider the question of enhancement of the existing rate of any kind of allowances, paid to workmen of class III or class IV categories in major ports. Shri Nariman has pointed out that before the Committee the workmen's representatives had made a claim for grant of diving allowance, and this fact was admitted by the union. But as I have shown, the Jeejeebhoy Committee functions for a very limited purpose and even though a demand has been put forward by the representatives of the workmen for a diving allowance it is difficult to see, in view of the very limited scope of the Jeejeebhoy Committee's work, how it can entertain such a claim. Besides, as pointed out by Shri Deshmukh, the workmen may have put forward a claim for diving allowance before the Jeejeebhoy Committee in view of the fact that in several docks there is no system of payment of any diving allowance at all. In any case, there is admittedly no demand before the Jeejeebhoy Committee for increasing the rate of diving allowance at present paid to the divers of the Bombay Port Trust. In the circumstances, I am not inclined to hold that simply because before the Jeejeebhoy Committee the representatives of the workmen have made a general claim for diving allowance in all ports covered by the Jeejeebhoy Committee's enquiry, this Tribunal is precluded from considering the demand for the enhancement of the rate of diving allowance for the divers of the Bombay Port Trust. I am, therefore, not prepared to hold that it would not be in public interest to adjudicate on the demand for enhanced rate of diving allowance.

13. Shri Nariman has next argued that the question of diving allowance, cannot be considered in isolation and that it should be adjudicated upon only after the Jeejeebhoy Committee has properly classified and categorised Divers in one or the other scales of pay stated in Appendix II to the Government Resolution, dated 20th July 1958. I am not impressed by this contention. From the history of Diving Allowance, as paid by the Port Trust, as also from the manner in which Diving or Dip allowance is paid, it is clear that it is paid independently of and in addition to the basic pay, dearness, over-time or other allowances paid to divers. In my opinion it is possible to consider the demand for enhancement of the rate of diving allowance independently of scales of Basic Pay which may ultimately be fixed for divers. The B.P.T. itself in 1949 revised the rate of diving allowance for its divers increasing it from annas 4 per hour to annas 8 per hour, whilst at the same time increasing the scales of basic pay for divers. If, as suggested by Mr. Nariman, there is an unseverable connection between

the rate of diving allowance and the scales of basic pay fixed for Divers, one would have expected the B.P.T. to have increased the scales of basic pay of divers in 1949, instead of increasing the rate of diving allowance also. Diving or Dip allowance is internationally recognised as an extra allowance paid to divers because of the peculiar hazard of their occupation. It is also referred to as "d money". As observed by Mr. Jenkins, the representative interests on the Board of Trustees for the Port of Bombay, "in British and Continental ports divers are paid a basic salary and for the duration of the actual diving operation, occupational hazard money". In my opinion, payment of diving allowance being in the nature of hazard allowance which is meant to compensate divers for the un-natural conditions in which they work can well be compared to the allowance which is paid to miners who work underground. Miners are paid this allowance to compensate them for the hazard and the un-natural condition of work underground. There are other occupations also where an allowance in addition to basic salary is paid for the hazard of the occupation. Such extra allowance is paid in addition to what is considered as the proper wage for the particular occupation to compensate for the hazard or risk involved in the occupation. Such allowance is paid independently of the basic pay and dearness, and overtime allowances and is either a fixed amount or percentage of the total wages earned or is co-related to the time the workman is occupied in doing that particular hazardous occupation. I am inclined to the opinion that diving allowance can be fixed irrespective of and independently of the scales of basic pay which may ultimately come to be fixed for divers by the Jeejeebhoy Committee and or in implementation of the recommendations of the 2nd Pay Commission.

14 However, the question of the revision of pay scales for divers and the other categories of workmen referred to in demand No. 7 stands on a different footing, from the demand for diving allowance. The question of proper scales of pay is directly referred to the Jeejeebhoy Committee whose recommendations are to be binding on both parties. I have discussed this question separately when dealing with demand No. 7, but my finding on that demand, does not preclude me from adjudicating on merits the demand for higher rates of diving allowance.

15. I, therefore, reject the preliminary objection urged by Shri Nariman that demand No. 1 should not be adjudicated upon, on the grounds of public policy.

16. In discussing the demand on its merits, some admitted facts may first be stated. Divers are employed only in the salvage section, which forms part of the engineering department, and has the following 15 sanctioned posts:—

Designation	No. of posts sanctioned
Senior foreman diver	1
Junior foreman diver	1
Assistant foreman diver	1
Divers grade I	5
Divers grade II	4
Divers grade III	3—but one post is vacant.
Total	15

17. The existing scales of pay and rate of diving allowance were fixed by the Trustees Resolution No. 212, dated 15th February 1949 and were granted with retrospective effect from 1st January 1947. They are as follows:—

Senior foreman diver ..	Rs. 900—50—1,100 plus Free Quarters.
Junior foreman diver ..	Rs. 700—40—900 plus Free Quarters.
Assistant foreman diver ..	Rs. 350—25—500 plus Free Quarters.
Divers first grade ..	Rs. 150—10—200.
Divers second grade ..	Rs. 100—10—150.
Divers third grade ..	Rs. 50—4—90.

Each diver, but not the Foreman Divers, in addition gets a diving allowance of annas eight per hour of diving work, which is calculated from the time the diver gets fully dressed till the time he is divested of his diving gear after coming out of water.

18. The union has, at the hearing, urged that even the three foremen divers, viz., the senior and junior foreman divers and the assistant foreman diver, should also be awarded diving allowance at the rates that may be fixed by this award for divers. Shri Nariman, Legal Adviser, appearing for the Port Trust has objected to this demand on three main grounds (a) that under this reference no benefits could be granted to the three foremen divers as no demand had been made nor had any industrial dispute been raised in respect of the diving allowance or any other benefits for them; (b) that these three foremen divers are not "workmen" as defined by section 2(s) of the Industrial Disputes Act, 1947, as they are employed in a supervisory capacity and draw wages exceeding Rs. 500/- per mensem; (c) that the language of the terms of reference clearly shows that the demand for enhancement of the rate of diving allowance could not possibly apply to these foremen divers, as they are not at present entitled to or paid any diving allowance.

19. That each of these three foremen divers was drawing at the time of the dispute monthly "wages", as defined by section 2(rr) of the Industrial Disputes Act, exceeding Rs. 500/- per month, is admitted by the union. I have carefully considered the duties of these foremen divers and there is not the least doubt that they are employed in a supervisory capacity to supervise the work of the divers of the all grades. As they are doing supervisory duties and as each of them earns "wages" as defined by section 2(rr) exceeding Rs. 500/- per month, they are not "workmen" as defined by section 2(s) of the Act and are, therefore, not covered by the dispute under reference.

20. It is also clear from the various demands made by the union that it had never made any of these demands on behalf of these foremen divers. It is also admitted that none of these three foremen divers is a member of the union nor could the union at the hearing produce any written authority from any one of these three foremen divers to represent them or make any claim on their behalf in these proceedings. The union has, however, sought to argue that these foremen divers are covered by the expression "any person", in the definition of the term "industrial dispute" under section 2(k) of the Act, and that the other workmen of the salvage section could raise an industrial dispute on behalf of the foremen divers in respect of their scales of pay, rates of diving allowance and other terms and conditions of service. But there is no foundation for this contention. There is nothing to show that the present dispute had been raised for the foremen divers on that footing. Besides, before a body of workmen can raise an industrial dispute with regard to the terms and conditions of service of employees who are not "workmen" as defined by section 2(s) of the Act, they must, as laid down by the Hon'ble Supreme Court, satisfy the Tribunal that they are directly and substantially interested in the terms and conditions of such persons (Workmen of the Dimakuchi Tea Estate vs. Management of the Dimakuchi Tea Estate 1958 1 LLJ page 500). The union has argued that the other divers are directly and substantially interested in the scales of foremen divers as they may one day stand the chance of being appointed foremen divers. In my opinion the expression "direct and substantial" interest does not cover any contingent interest like what the divers may have of being promoted to the foreman diver's grade. It is impossible to hold in this case that the rest of the workmen are directly and substantially concerned in the scales of pay and other allowance and benefits which these foremen divers may receive. The third contention of Shri Nariman is also sound. Demand No. 1 is for increase in the diving allowance and the foremen divers cannot possibly be deemed to be covered by this demand as they are not paid any diving allowance.

21. I, therefore, uphold the objection of Shri Nariman and hold that the three foremen divers are not workmen concerned in this dispute, nor has the union any right or authority to represent them in this dispute and I have, therefore, no jurisdiction to grant them benefits of my Award on any of the demands under reference.

22. But to continue, prior to the revision effected by T.R. No. 212 of 15-2-1949, the divers were entitled to a diving allowance of annas 4 per hour and their average monthly earning on that account was stated to have been about Rs. 15/- per diver. The divers being dissatisfied with these scales of pay and rate of diving allowance, represented for higher scales and revision of the diving allowance and it was in consideration of this representation that the existing rate of annas eight per hour was sanctioned by T.R. No. 112 of 15th February 1949.

23. It is admitted that only the divers of the first, second and third grades are paid the diving allowance and that no diving allowance is paid to the senior, junior and assistant foreman divers. The normal duty hours of the divers are

eight and a half hours on week days and five hours on Saturdays, but for any diving work done on any day in excess of 4 hours diving overtime for such excess hours is paid at double the rate of basic pay and dearness pay. The shift hours of divers are from 8 A.M. to 5-30 P.M. on week days with one hour's recess, and from 8 A.M. to 1 P.M. on Saturdays, with no recess. There is, however, a general shift from 7 A.M. to 7 P.M. with one hour's recess. Divers, like other workmen, get a weekly paid holiday on Sundays and also overtime under the Minimum Wages Act. The average monthly earnings of the three grades of divers during the years 1955, 1956 and 1957 made up of basic pay, dearness allowance, diving allowance, diving overtime and deck overtime, are shown in the Port Trust's statement exhibit E-8. This statement shows that the total average monthly earnings of a third grade diver amounted to Rs. 195.46 of which Rs. 136.34 represented basic pay and dearness allowance, Rs. 14.73 diving allowance, Rs. 6.18 diving overtime and Rs. 38.22 as deck overtime. For the second grade divers the total average monthly earnings amounted to Rs. 285.53 made up of Rs. 200.59 as basic pay and dearness allowance, Rs. 13.86 as diving allowance, Rs. 9.12 as diving overtime and Rs. 61.96 as deck overtime. The total average earnings of first grade divers amounted to Rs. 444.82 made up of Rs. 275.13 as basic pay and dearness allowance, Rs. 25.48 as diving allowance, Rs. 41.55 as diving overtime and Rs. 102.64 as deck overtime. It is also necessary to state that the average number of hours of diving work during the month by each of the three grades (3rd, 2nd and 1st) of divers, during 1955, 1956 and 1957 was 29½, 27½ and 51 hours respectively.

24. It will be noticed that the diving allowance represents only a comparatively small amount of the total monthly earnings of the divers. Apart from the basic wages and dearness allowance and diving overtime, a large portion of their income is by way of deck overtime to which they are entitled under the Minimum Wages Act on the Trustees' rules as the case may be. This is so evidently because the Port Trust does not employ an adequate number of divers, so that there would be no need for divers to be on duty beyond their normal hours of work. This may probably be due to the fact that there is a scarcity of divers, as this occupation evidently does not attract many candidates.

25. The union by its letter No. S/SLVG/317, dated 3rd February 1960 addressed to the Secretary of the Bombay Port Trust, had demanded that the dip allowance should be raised from 50 nP. to Rs. 2.50 per hour and in support had urged that the present rate of the allowance was low and not commensurate with the nature of the work that divers were doing. The rate of Rs. 2.50 nP. per hour is also the rate which the union claimed in its first written statement in this reference dated 25th April 1960 and in justification it has urged that the present rate of diving allowance was not commensurate with the work that a diver does in unnatural and abnormal conditions and needed to be revised because there has been a general upward revision of all rates of allowances and scales of pay since 1947, and also on the ground that notions of job evaluations had changed. In its subsequent written statement dated 24th May 1960 the union claimed the following minimum rates of diving allowance :—

S. Class of Diver No.	Shift	Week days		Sundays and Holiday		
		During working hours	Outside working hours	During working hours	Outside working hours	
		Rs.	Rs.	Rs.	Rs.	
1	2	3	4	5	6	7
1. Senior foreman diver	1st shift of 4 hours or a part thereof.	}	15	15	30	30
2. Junior foreman diver	2nd shift of 4 hours or a part thereof thereafter.		30	30	60	60
	3rd shift of 4 hours or a part thereof.		30	30	60	60
3. Assistant foreman diver	1st shift of 4 hours or a part thereof.	}	10	10	20	20
4. Diver 1st grade	2nd shift of 4 hours or a part thereof.		20	20	40	40
5. Diver 2nd grade	3rd shift of 4 hours or a part thereof.		20	20	40	40
6 Diver 3rd grade						

26. I may state that these rates of diving allowance are paid by the Port Trust as diving allowances to foremen divers and assistant foreman divers when working for outside parties within Port limits (see exhibit W-3); that formerly there was a practice of loaning the services of the divers for work outside the Port of Bombay but this practice has now been abandoned. It may also be stated that there has been an increase by 33½% of the charges levied by the Port Trust, when it lends out the services of its diving staff to outside parties. It may, however, be noted that for outside work also divers are paid diving allowance of -/8/- annas per hour. It will thus be seen that the union in its subsequent written statements has claimed diving allowance at a much higher rate than the rate of Rs. 2 50 per hour it had claimed when it originally made the demand and raised an industrial dispute over it in February 1960 and also what it had claimed under its first written statement before this Tribunal dated 25th April 1960. I may straightaway say that in my opinion the demand of the union for the higher rate of diving allowance claimed in its statement of 24th May 1960, is clearly an afterthought and one that has no justification. I cannot accept Shri Deshmukh's contention that the only basis for fixing the proper rate of diving allowance should be the rate that the Port Trust is charging when it loans out the services of its divers to outside parties. As pointed out by Shri Nariman when the Port Trust lends the services of its salvage section staff including divers, linesmen and other categories, it also supplies to the outside party the salvage boat and all other equipment, accessories etc., required for salvaging work. I, therefore, hold that this basis for fixing the rate of dip allowance for divers would not be proper. One can well understand that the Port Trust fixed these charges on a liberal scale with the desire to allow its foremen divers and other staff to earn some extra money, particularly when the same was paid for work done for outside parties. But surely, that would be no reason for making that as the basis for payment by the Port Trust.

27. Now, on the merits, in my opinion the question whether the existing rate of diving allowance needs to be increased, is intimately connected with the hazard and risk involved in the work done by the divers of the Port Trust. The Bombay Port Trust was good enough to arrange a demonstration for me at the Alexandra Docks of how a diver is dressed and gets under water and how he is supplied some of the implements with which he works when under water and this visual demonstration has helped me to appreciate the arguments of both parties on the nature of the duties of divers.

28. The divers of the salvage section are dress divers who wear a heavy stiff canvas uniform with metal corselet and additional weights and a heavy metal helmet, which has inlet and outlet valves. They also wear heavy boots with lead soles and have to be assisted to get into their gear. There is a pipeline supplying air to them through the helmet from a pump operated from the salvage boat. The linesman in the salvage boat holds the life line or breast rope which is tied to the gear of the diver.

29. Shri R. N. Vinekar (EW-1) in his examination-in-chief described the duties of divers as being to attend to under water work such as cleaning of caisson grooves and culverts, salvaging sunken cargo, coupling and uncoupling chains of entrance gates, checking sluice paddles, attending to hydraulic machinery below water surface, setting up keels in the dry dock and attending to the salvage of wrecks. He further stated that divers have to work on the removal of pintles of the lock gates and roller paths and also have to remove obstructions in the way of the lock gates. Thus according to him was the general nature of the duties of divers.

30. His opinion was that divers did not require any special aptitude and that anyone physically fit can be trained to do that work. He went on to say that the skill required for diver's work can be acquired by practice; that the diver's work entails only a little more strain than the work done by craftsmen on the surface and that is why, according to him, only four hours of diving work was fixed and divers are not allowed to work underwater for more than one hour or an hour and a half continuously. He expressed the opinion that divers who work in shallow waters of 35 ft. to 40 ft. and for a period of 1½ to 2 hours at a time, would not suffer from compressed air illnesses, if proper safety precautions are taken.

31. Shri Vinekar was searchingly cross examined by Shri S. J. Deshmukh, Assistant Secretary of the Bombay Port Trust Employees' Union and I am satisfied from the details and information elicited by Shri Deshmukh in cross-examination that Shri Vinekar, to say the least, had deliberately attempted to

belittle the real hazard, skill and the strain and stress involved in the work done by the divers of the Bombay Port Trust.

32. The first and most important fact to remember in connection with the work of divers is that the divers in the Bombay Docks work in visibility which is practically nil at a depth of 8 to 10 ft. of water, because of the presence of the suspended silt in waters of the Bombay Docks, and that the use of artificial light does not help. Since normally the divers work at a depth of 35 ft. to 45 ft. they have to work in the blind i.e. in total darkness, which is a fact which must constantly be borne in mind in assessing the work that they are performing for the purpose of fixing the diving allowance because working in the blind considerably increases their hazard. Much was sought to be made on behalf of the Port Trust of the fact that Shri Vinekar had undergone two months training as a diver, but, as admitted by him, he has not done any work whatsoever under water and the only thing that he did was to learn diving. Shri Vinekar's knowledge about the risk and hazard in diving is derived from the study of the Naval Diving Manual of 1943 and from a text book on diving which he says he had read when he learnt diving many years ago, but he could not even remember the name of this book. It was more than clear that Shri Vinekar's knowledge about diving work and the risks and hazards involved in it had unfortunately stood arrested with the reading of the 1943 edition of the Royal Naval Diving Manual and has not progressed beyond it. The union has, on the other hand, relied upon and quoted extensively from the Royal Naval Diving Manual of 1956; "Deep Diving and Submarine Operations"—Parts I and II by Sir Robert A. Davis, Kt. D.Sc., Birmingham University, F.R.S.A. and the chapters on diving in the Encyclopedia of Hygiene, Pathology and Social Welfare issued by the I.L.O. in support of its submissions regarding the real risk and hazard involved in diving work. Further, Shri Vinekar in his cross-examination admitted that the senior foreman diver, who was the witness on behalf of the union, was better qualified to speak about the diver's work than himself and I, therefore, prefer to accept the testimony of Shri Vernon Charles Curran (WW.1) on the actual work performed by divers and the hazard and risk and difficulties under which they work.

33. From the evidence on record the following facts are clearly established:—

- (a) That divers of the Bombay Port Trust work in a condition of "Nil" visibility i.e. total darkness. They have, therefore, to work only by the touch and feeling method.
- (b) The divers under water do the work which carpenters, masons, mechanics and welders do on the surface; that for this work divers have to use, under water, tools such as spanners, hammers, crowbars, pneumatic tools and hammers, and a variety of other small tools.

34. They have also on occasions, to guide and position a monkey hammer which weighs between $\frac{1}{2}$ to 1 ton, and which is operated from the surface. The pneumatic tools which the divers use weigh between 56 to 70 lbs. The adaptations of the pneumatic tools include items like rock breakers, jack hammers, pneumatic grinder, rock driller etc. When salvaging coal the diver uses a grab, which, when filled with coal may weigh about 2 tons. The weight of the grab itself is about one ton.

- (c) When concrete foundations are to be laid for structures, divers have to place in position concrete blocks weighing from 4 to 8 tons each. Before placing the concrete blocks in position, a bed comprising rubble and metal is required to be prepared and levelled by the divers.
- (d) Divers have to salvage sunken ships, machinery, valuables like gold, contraband articles like opium and drowned human bodies. Shri Vinekar in his evidence emphasised the fact that the work of salvaging the wrecks of the "Deepavati", "Ramdas" and 'Lakshmi' as well as the work of laying the foundation for the Marine Oil Terminal at Butcher Island was not done by the divers of the Port Trust but was given out on contract. But it must be remembered that the work of salvaging these three vessels was a special kind of work which involved the use for the first time in Bombay Port of a special equipment called "CAMEL", which the contractors had brought out themselves and which was not available with the Bombay Port Trust. It is, however, admitted that divers salvage sunken tugs, country crafts, barges, locomotives and anchors etc. and that they have been largely responsible for the salvaging of even quite large

vessels. Whilst dealing with the question of salvaging a sunken vessel Shri Vinekar had to admit that there is a risk involved every time a diver goes down to survey the position of a sunken vessel as there is a blind chance of any obstruction cutting his air pipe or entangling his signal line and that the greater the risk in rescue work the lesser are the chances of the divers getting aid. It is also admitted that divers have to assist in under water water blasting by the use of explosives. This is done by drilling holes in the rocks by pneumatic drills and charging them with explosives which are fired by electric detonators from the shore. No doubt it is the senior foreman diver who places the detonator and connects it with the explosives, and that he is personally responsible for this work. But the work of drilling holes in the rocks by pneumatic drills and the other work connected with under water blasting has to be done by the divers.

- (e) Divers have also to attend to the salvaging of hazardous articles like acid and carbide containers and explosives.
- (f) Divers have also to carry out repairs to hulls and other under water projections of vessels by plugging holes etc. It was admitted that sometimes under water repairs to vessels have to be carried out by divers hanging down from a rope lowered from the deck of the vessel and if the operation requires a long time then a staging under water is provided on which the diver stands. This means that the diver has to hold on to the rope of the staging and work with one hand and where work with both hands is required he has to secure himself with ropes on the staging.
- (g) At the hearing details were giving of the work done by the divers in removing and fixing the pintles of the lock gates in the Alexandra and Victoria Docks and in removing the roller pathways in the Prince's and Victoria Docks. There are two separate demands being demands Nos. 3 and 4 under reference for a bonus or an extra payment for this work and I shall deal in detail with this work when dealing with those demands. I may, however, here state that I have not the least doubt that the removal of old and worn out pintles and fixing of new pintles and laying of new segments for the roller pathways in the Victoria Docks was an exceptionally hazardous and skilful work which the divers of the Port Trust accomplished. Shri Vinekar gave expression to his sense of appreciation for this work when he gave a tea party to the workmen of the salvage section in his personal capacity.
- (h) Shri V. C. Curran, Senior Foreman Diver (W.W.-1) in his evidence has given a graphic account of the hazards and dangers involved in under water work. He has explained that all movements under water require greater effort and exertion than the same movements on land; that when more than one diver works on the same job there is a real danger of their life and pipe lines getting entangled and cut; that when working on silt surface the divers have to work in a crawling position and have to keep a half valve i.e. they require more air. He has described how work in confined spaces such as sluices and sumps is more dangerous for divers than when they work in the open. It may there be mentioned that one of the divers Mr. John Saunders, lost his life when working at No. 12 sluice of Alexandra Docks. In this connection, the union has filed a statement, Ex-W.5 giving particulars of the 3 foremen divers and 11 divers of the salvage section who left the service of the Port Trust between 1941 to 1959. This statement shows that of the 14 foremen divers and divers mentioned therein, 2 met with fatal accidents whilst on duty, 5 resigned, 3 left because they were permanently incapacitated; one had voluntarily retired and only 3 had retired on reaching the age of Superannuation. Certain details in the statement have been challenged by the Port Trust, but all the same this statement does establish that during 1941—1959 majority of the foremen divers and divers left service for one reason or the other and that only a small minority of 3 had continued in service till they reached the Superannuation age.

35. When evaluating the hazard of the occupation of diving it must be remembered that, "diving is one of the few occupations in which a man's life was not in his hands, but rested entirely on the vigilance and care of his colleagues working above the water who kept the air going." It must also be remembered that

working on wrecks is an extremely hazardous work and extra precautions have to be taken for the safety of the divers engaged in that work. When working on stages there is always a chance of the divers having a sudden fall under water. As observed in the Royal Naval Diving Manual 1956 (Chapter V p. 40) "falls in shallow water are more dangerous than those in deeper water." The union at the hearing has referred to the following observation at Para 0107 entitled, 'Falling underwater' at page 8 part I—Chapter I of the Royal Naval Diving Manual—"Theory of Diving". "Of the two main illnesses to which the diver is exposed due to the physical effects of pressure, we have already discussed the damage to the ears. The other danger is that of falling as it must be fully understood before the diver enters the water a diver working on a stage or in any position where he is not on a level sea-bed, may fall accidentally into the deeper water. This can only happen through bad attendance on the surface as his lines should always be sufficiently in hand to catch before he has fallen more a few feet. A fall under water for a diver in rigid helmet can be very dangerous. Such a fall can be extremely painful and if immediate steps are not taken to rectify the situation considerable strain will be imposed on the diver and the diver will become unconscious."

36. With regard to the dangers of compressed air illness on which great emphasis was laid by the union, it is interesting to observe that Prof. Leroy Mericourt was the first to liken the blood of the worker in high air pressure to a bottle of soda water. He said: "The greater the depth and the longer the stay at the bottom, the more will the blood be charged with an excess of gas in solution. The diver is really, from a physical point of view like a bottle charged with carbonic acid". (Deep Sea Diving and Submarine operations by Sir Robert H. Davis) "Compressed air illness is caused by the liberation of bubbles of gas which may form in any part of the body or block any of the blood vessels; it may take many different forms; but its cause is always the same namely transmission from a higher to a lower atmospheric pressure. It may, therefore, appear during his (diver's) ascent, or as long as four hours after he has reached the surface." Again, "If the pressure is reduced too quickly gas is liberated faster than it can be removed and bubbles will be formed in the tissues. These bubbles are the cause of Decompression Illness, more commonly known as 'Bends' in the case of divers or 'Caisson Disease' among compressed air workers."

37. All the evidence on record bears out the opinion expressed in the following passage appearing in Chapter 61 headed "The Salvage Diver" of the Royal Diving Manual Part VII—1957 edition: (Para 6101).

"There can be no doubt that the success or failure of a salvage operation in which under water operations are to play an important part is very largely dependent on the ability, intelligence and integrity of the divers. The salvage diver must always bear in mind that he is the "eyes" of the salvage officer, and that upon his accurate reporting of under water damage etc., will depend to a very large extent, the method the salvage officer will adopt in planning the operation. Too much emphasis cannot be given to the fact that only accurate, concise and unembellished information is required from the diver."

38. In my opinion the following observation contained in the Royal Naval Diving Manual Part II chapter XI paragraph 1101 sums up the duties of divers:—

"Divers spend much time on their own and they must have a strong sense of responsibility and be reliable and intelligent."

39. The union in its statement of demands of 3rd February 1960 had claimed that the dip allowance be increased from -/8/- annas per hour to Rs. 2.50 per hour. This was also the rate claimed by it in the first written statement of claim filed in these proceedings dated 25th April 1960—Subsequently it has claimed a dip allowance at a rate which the Port Trust charges outside parties for the services of their divers and as stated earlier I do not accept this latter basis.

40. The Port Trust has filed in these proceedings the rates of dip allowance paid by the Naval Dockyard to its divers and attendants—(exhibit E-13).

"Diving Pay (Dip Money)—Divers and Attendants—"

Diving pay is payable to qualified officers and men including any officer who has successfully completed a course at the diving school and whose duties necessitates his going under water or pressure, when using any approved diving apparatus during diving operation

carried out or when diving for practice with the authority of the Commanding Officer, at the following rates:—

Class of work and circumstances in which Dip Money may be paid	Rank and Rate	Depth (Fathoms)	Rate for the time under water or Compression	
1	2	3	4	
Diving in any approved apparatus for any requirements that necessitate an officer going under water or pressure	Officers	All depths	As for divers below	
			Per Minute	
Diving in any approved apparatus	Ratings	Upto 20	Per Minute	
		20 to 30	Os	P6
		30 to 40	1	0
		40 to 50	1	6
		50 to 55	2	6
		55 to 60	3	0
		60 to 65	3	6
		65 to 70	4	0
		70 to 75	4	6
		75 to 80	5	0
		80 to 85	5	6
		85 to 90	6	0
		90 to 95	6	6
		95 to 100	7	0
			7	6

NOTES.—(i) In case the total amount of dip money admissible under this rule works out less than one rupee, a minimum sum of Re. 1/- will be paid to the divers.

(ii) Payment is not to be made to ratings under initial training for diver 3rd class or for S.W.D.D. qualification.

When actually employed in attending on divers	Attendant (must be a qualified diver)	One fifth of the amount paid to the diver. Attendant in any decompression or recompression to receive same as diver
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41. It will be noticed that for diving up to 20 fathoms i.e. upto 120 ft. depth a diver in the Naval Dockyard gets dip money of 6 pies per minute which works out to the rate of Rs. 1/14/- per hour, as against -/8/- annas per hour paid by the Bombay Port Trust. It appears from certain correspondence exchanged between the Chairman of the Bombay Port Trust and the Chairman of the Calcutta Port Commissioners in January 1949 at the time of the last revision of the pay scales of divers in this Port that the senior of the two divers engaged by the Calcutta Port Commissioners gets a fixed diving allowance of Rs. 160/- per mensem. I have also examined the average amounts of diving allowance earned per month by the three grades of divers for the years 1955, 1956 and 1957, particulars of which I have referred to earlier, and I find that at the existing rate of annas 8 per hour the first grade diver, during the normal working, earns on an average a diving allowance of Rs. 25.48, the second grade diver Rs. 13.86 and the third grade diver Rs. 14.73, respectively per month. The existing rate was fixed in 1949—more than 11 years ago. Since then the notions of wage evaluation have also altered and the value of the earnings by way of dip allowance has gone down with the rise in prices. Considering all this and the hazardous nature of the occupation of the divers, I am more than satisfied that the union has made out a case justifying an increase in the existing rate of the diving allowance. I am, however, of the opinion that the union's present claim for a

diving allowance as stated in its written statement dated 24th May 1960 is exorbitant and unsustainable. The demand when this dispute was raised was for a diving allowance of Rs. 2.50 per hour and this was the rate claimed by the union in its first written statement filed before this Tribunal. Considering all the facts and circumstances, I am of the opinion that the fair thing to do would be to increase the existing rate of diving allowance from 50 nP. per hour to Rs. 1.25 per hour and I award accordingly. I am not satisfied that the union claim that the earnings by way of diving allowance should be considered as part of basic wages for purposes of gratuity, provident fund, overtime, leave salary etc., is justified. This demand is also an after thought and no cogent reasons were advanced at the hearing in support thereof. I further direct that the awarded enhanced rate of diving allowance shall have effect from 1st April 1960, and the difference in the quantum of diving allowance at the existing rate of 8 annas per hour and the awarded rate of Rs. 1.25 nP. per hour from 1st April 1960, till the date the award comes into force shall be calculated and paid to each diver within a month of the date this award comes into force.

42. Demands Nos. 2(a) and (b) and 8:

With regard to demands 2(a) and (b) at the hearing the parties stated that after the Order of reference there had been a settlement under which the principle of special payment in addition to the amounts payable under the Workmen's Compensation Act in the eventualities referred to under clauses (a) and (b) of that demand had been agreed to by the Bombay Port Trust and that the parties have agreed to determine the quantum of such special payment by mutual discussion.

43. The parties stated that demand No. 8 would also be settled by mutual negotiations between them. It was for this reason that no grounds were urged in the union's several written statements in support of either of these demands nor were any arguments in support urged at the hearing, nor were particulars of the scheme of pension stated.

44. I am, therefore, not making any award on these two demands which are to be mutually settled by the parties. If no settlement is finally reached on these two demands the union would be at liberty to agitate the question further.

45. Demand No. 5.—Should Linemen be provided with woollen clothes. If so, from which date?

The union's demand is that linesmen of the salvage section who are on duty in the salvage boat should be provided with the following woollen clothing with effect from the year 1960 and that such uniforms should be supplied once in every two years.

- (1) Woollen Coats—2
- (2) Woollen Pants—2
- (3) Pairs of Socks—2
- (4) Woollen Cap—1
- (5) Woollen Scarf—1

On this question, the main contentions of the Union are that linesmen of the salvage section have to work in the open and are thus required to face the vagaries of the weather; that the Bombay Port Trust has been supplying woollen uniforms to its employees of like categories working in the Port Department. The union has further urged that these workmen have to work on water and as such are exposed to winds, storms, cold breezes, rains, etc. The Port Trust in its written statement has generally admitted the principle of providing woollen clothes to those who work in the open and are required to face the vagaries of the weather, and has stated that in pursuance of this principle the linesmen of the salvage section are already being provided with one woollen jersey, one woollen pant and one fisherman's cap, once every three years for use during the winter season. The Port Trust has further urged that such clothing has been used during the monsoon and winter seasons during the last several years and has been found adequate. It was further stated at the hearing that in addition the linesmen will now get a woollen coat once in two years as part of their uniforms as a result of the directions contained in my award in Reference No. 6 of 1960, dated 23rd April 1960.

46. At the hearing the only point of difference between the parties was that the Union wanted that the woollen trousers should be supplied once in two years and not once in three years as at present. Considering that the woollen coat is provided once in two years there seems to be some justification for the woollen trouser being provided once in two years also and I therefore direct accordingly. This direction shall be effective from the coming cold season.

47. **Demand No 6.**—Should workmen in the salvage section be provided with quarters free of rent?

The union in its written statement of claim dated 25th April 1960 has claimed that the workmen of the salvage section should be provided with free family quarters and should in addition be allowed to draw the house rent allowance as at present. In support the union has urged that the workmen employed in the salvage section are required to attend duty at any hour of the day; as an emergency may arise at any time such as obstruction at the entrance to the docks or in the channel, sinking of a barge or any other article in the docks, fouling of a ship's ropes etc. It has compared the work of the salvage dept employees with that of the fire brigade staff. It has expressed dissatisfaction with the housing accommodation provided in the "WALRUS", an old and discarded dredger of the Port Trust, where the staff of the salvage section are at present residing. The accommodation provided there is of course free of charge but the workmen are not allowed to live there with their families. The Port Trust in its written statement in opposing the demand has stated that for several years in the past it was the practice in respect of vessels which worked only one shift, for some of the members of the crew to remain on board the vessel after the termination of the regular shift hours for the safety of the vessel and of the property on board. The crew who remained on board were not posted on duty by the Administration and the men mutually arranged amongst themselves to remain on board. For such duties as the men performed after the regular shift hours they were not paid any wages or any allowance but were provided with certain facilities as for instance sleeping bunks, provision of bhandaries, cooking facilities such as free supply of stoves, coal, water and utensils. As many of the crew were not having any residential accommodation in the city they welcomed the opportunity of sleeping on board the vessel and of availing themselves of the other facilities mentioned above; that since 15th June 1956 when additional men were recruited specially for the purpose of watch duty the practice of the crew remaining on board the vessel for the performance of watch duty was discontinued. It is, therefore, argued that there is no longer any necessity for any of the workmen to remain on board the dredger "WALRUS" and that they were free to make their own residential arrangements outside, as they are paid house rent allowance. The Port Trust's main contention is that the workmen now work in a single shift and are, therefore, in the same position as hundreds of other categories of workers employed in the docks, who work the regular shift hours and there is no justification whatever for these workmen being provided with any dormitory accommodation or free quarters in addition to the house rent allowance paid to them. The Port Trust has denied that workmen in the salvage section are required to attend duty at any hour of the day and has stated that there is no real basis of comparison between the work of the employees of the salvage section and of the fire brigade staff. It was further stated on behalf of the Port Trust that arrangements have been made for stand by divers and crew at the Alexandra Dock and Prince's and Victoria Docks both during day and night and that occasions would arise very rarely, if at all, when the salvage section staff would have to be called out for work at short notice outside their regular shift hours. It is argued that it is for the employers to decide whether it is necessary or desirable in the interests of work for any particular categories of workmen to reside in quarters in the vicinity of the docks. It is pointed that foremen divers are provided with free quarters so as to ensure their availability at short notice as they are not kept on stand by duty and are required to be called out frequently during off duty hours to give necessary assistance and guidance wherever required by the other workmen in the performance of their jobs.

48. At the hearing the union mainly relied on appendix No. 1 to the Trustees Resolution No. 360 dated 10th June 1952 (exhibit W-17) where, under item 10, it is provided as follows:—

- (10) *Khalasis (workshops, salvage and marine survey section).*—The concession of free quarters should continue as the staff are required to attend to their duties at odd hours depending upon the tides and they should be available in cases of emergency during the stormy weather and the monsoon.

They are permitted to draw the usual house rents admissible under the Rules.

Two bhandaries are provided at Port Trust cost. This concession should also be continued.

49. There was a controversy at the hearing as to what was meant by the terms "free quarters" appearing in this item. The union argued that "free quarters" meant free family quarters while the Port Trust argued that the reference was to dormitory type of quarters, where only the employee was allowed to stay, without his family. In my opinion the contention of the Port Trust is justified because of the reference to the provisions of bhandaries, who are only provided in dormitory type of quarters and the "Walrus", and not in family quarters. Shri Nariman has pointed out that even the provision of the dormitory quarters was made when the workmen were working in a single shift and were liable to be called out at any time of the day and night. According to him after the introduction of the double shift even the grant of the dormitory type of quarters was discontinued for the workmen of the salvage section who have now regular hours of work.

50. I have had the benefit of an inspection of the discarded dredger WALRUS where the staff of the salvage section are now provided with free accommodation. This is an old dredger and the workmen complained bitterly of its rat infested condition and the lack of amenities therein. The workmen have been asking for family quarters in the Wadi Bunder chawls of the Port Trust since April 1958, as is borne out by the letters addressed by them to the Port Trust (exhibit W-20). The union also contends that priority had been given by the Port Trust to its staff of the marine survey, the loco divers and the firemen, in the matter of providing them with quarters in the Wadi Bunder Chawls. The Union has demanded that whatever quarters are provided to them should be rent free and that if free family quarters are provided they would not press for house rent allowance. It must, however, be borne in mind that free dormitory quarters were provided from the beginning because there was only one shift and these workmen were required to be on duty at any time of the day and night. That emergency has now diminished considerably, though on occasions they may be required to attend on urgent duty.

51. After an anxious consideration of the submission made by the parties, I recommend that the salvage section staff be given out of turn priority for family quarters preferably in the Wadi Bunder Chawls and that on such quarters being provided to them they shall be charged only such rent as they may be liable to pay under the rules in force for the employees of the Port Trust and cease to be entitled to house rent allowance. Dr. Shanti Patel has argued that free quarters be provided to the salvage section staff because they belong to the essential service and are liable to be called out for service at any time. But what is essential service would be a question for the employers to decide, and here the Port Trust has argued that since the workmen now work a single shift there is no need for them to stay near their place of work. In these circumstances I cannot concede this demand, which may have serious repercussions on other departments of the Bombay Port Trust. Government servants are entitled to a house rent allowance when not provided with Government accommodation, but no sooner they occupy Government quarters they have to pay the standard rent or the prescribed percentage of their salary as rent and thereupon cease to draw the house rent allowance. The demand for rent free quarters is, therefore, rejected.

52. Demand No. 7.—"Is there any justification for the provision of scales of pay of divers, linesmen, syrangis, tindles, office-boys, deck-hands, bhandaris and mazdoors. If so, what should be the scales?"

The union claims to represent the employees of the Bombay Port Trust in its three departments namely (1) the engineering department, (2) the controller of stores department and (3) the Port Deputy Conservator's Department. Out of the remaining 10 demands specified in the schedule to the order of the reference, nine refer one only to the salvage section employees and one is for retrospective effect. At the hearing, Dr. Shanti Patel sought to argue that the demand for revision of scales of pay for the categories mentioned in this demand was made not only for the employees of these categories employed in the three departments of the Port Trust mentioned above, amongst whom this union has its membership, but also all the other departments of the Port Trust. Shri Nariman has opposed this claim and stated that under its constitution the union is entitled to represent

the interests of the workmen of the engineering department only. Shri Nariman has further argued that there is no dispute raised on this demand by the workmen even of the Controller of Stores Department, the Port Deputy Conservator's Department, let alone the other departments of the Port Trust, and that this dispute was raised only in respect of the employees of the salvage section. He has in this connection relied upon the letter dated 16th February 1960 addressed by this union, to the Secretary of the Bombay Port Trust, from which it is clear that the demands made by the union by its letters dated 3rd and 12th February 1960, referred to earlier, were clearly confined to divers, deck hands etc. employed in the salvage section of the engineering department. Dr. Shantil Patel in attempting to enlarge the scope of the demand and extending it to employees in all other departments of the Port Trust, is evidently seeking to take advantage of the recital contained in the Government Order of reference dated 11th March 1960 where it is stated that "an industrial dispute exists between the employers, in relation to the Bombay Port Trust and their workmen, regarding the matters specified in the Schedule hereto annexed." But from a scrutiny of the demands contained in the schedule to the Government Order of Reference, and the correspondence that preceded the reference, it is quite clear that the demands as made by this Union were only in respect of the employees of the salvage section of the engineering department of the Port Trust and none others, and the dispute must, therefore, be limited as covering the employees of these categories belonging to the salvage section only.

53. But apart from this Shri Nariman has urged that the question of revision of the pay scales for the categories mentioned in this demand should not be adjudicated upon because the question of the proper scales of pay for these categories of workmen is under active consideration of the Jeejeebhoy Committee.

54. I have earlier in this award narrated the circumstances under which the Jeejeebhoy Committee came to be appointed. It is necessary here to observe that the Government Resolution No. 23-PLA (91)/56 dated 23rd August 1958 appointing the Jeejeebhoy Committee has clearly stated that the recommendations of the Committee shall be final and binding on the Port Authorities as well as the labour. Thus, the wage scales in which all these categories of workers will be classified by the Jeejeebhoy Committee will be binding on both the employers and the workmen covered by that enquiry, in which admittedly are included the Bombay Port Trust and its class III and IV workmen. The Jeejeebhoy Committee has been dealing with the question of the proper scales for class III and IV employees of the major docks since the date of the Resolution and has made considerable progress with its work, but its labours have not concluded. In the meantime, the second Central Pay Commission (1957-1959) has made its Report and it seems obvious that the existing wage scales of these categories of workmen will have to be revised in the light of these recommendations. In fact at the meeting of the Jeejeebhoy Committee held at Kandla on 24th March 1960 when the Committee was discussing the question of the scales of pay for divers a reference was made by the Chairman, Shri F. Jeejeebhoy, to this dispute. A copy of the relevant minutes of the Committee on this subject has been filed before this Tribunal by the Bombay Port Trust and has been taken on file as exhibit E-19. I extract from those minutes the following relevant portion:—

"In suggesting the scale of Rs. 150-225 for the post of diver, Shri Shah stated that the workmen concerned had to perform very risky jobs under water and had to discharge duties of a higher technical nature. At this stage the Chairman pointed out to the representatives of labour that a reference to adjudication had recently been made to Shri Merchant of the Bombay Tribunal, and one of the questions contained therein related to the emoluments of divers. The Chairman pointed out that the immediate impetus to the Reference was probably the factum of a strike; but the matters relating to the emoluments of divers had been entrusted to this Tribunal for decision, and it would be unfortunate if this Committee came to certain conclusions which may or may not be in conformity with what the Tribunal might decide. This Committee would be fixing remuneration on an all India basis, the adjudication would be confined to the categories in Bombay. Shri Kale and Shri Makhan Chatterjee agreed and said that the parties to the Reference should by consent withdraw the particular issue from the adjudicator so that the decision on the remuneration of divers (including those in Bombay) as determined by this Committee should prevail. Shri Parasuraman took the view that this should be done. In these circumstances the parties will move the Tribunal so that the remuneration of divers as fixed by this Committee should prevail, and on that

basis the issue of remuneration of divers at Bombay is to be withdrawn by consent of parties from the purview of the adjudication."

55. I may state that it is admitted that Shri Parasuraman is the General Manager and the representative of the Bombay Port Trust on the Jeejeebhoy Committee and Sarvashri Kale and Makhan Chatterjee, are members of the Committee in their capacity as office bearers of the All India Port and Dock Workers Federation, to which this union is affiliated. It will thus be seen that even before the Jeejeebhoy Committee the representatives of the Federation which represents all dock workers, and of which the union in these proceedings is a member, had themselves agreed not to press the demand for fixation of scales of pay for divers by this Tribunal. The same position would by analogy apply to the other categories of employees mentioned in this demand, as their proper scales of pay are also under consideration by the Jeejeebhoy Committee.

56. Shri Nariman has also urged that the scales of pay of employees of the Bombay Port Trust will have to be revised in the light of the recommendations of the 2nd Central Pay Commission and that without ascertaining what those scales of pay would be, it would not be proper in this adjudication to fix scales of pay for a small section of the employees of the Bombay Port Trust. I am impressed by these submissions of Shri Nariman. Whatever the scales of pay the Jeejeebhoy Committee will fix for these categories of workmen they will get the benefit of those scales with effect from 1st October 1957 and this is clearly provided for in the Government Resolution of 20th July 1958 above referred to (Ex. E.1). From para 30 of the written statement of claim of the union in these proceedings dated 25th April, 1960, it is clear that the union itself is conscious that the pay scales of the workmen of the categories mentioned in this demand are to be revised with effect from 1st June 1959 in implementation of the recommendations of the Central Pay Commission of 1957-1959. What the union has stated may well be reproduced here.

"It is prayed that the effect to the award on the above matters be given from 1st November 1959 mainly because the demands were forwarded in a regular form in November 1959, except in the case of scales of pay. In the latter case, it is submitted that the effect be given from 1st June 1959 for the reason that the scales of pay of various workmen are to be revised from that day in the light of the recommendations of the Central Pay Commission-2nd II may be mentioned here that the Jeejeebhoy Committee's recommendations on pay scales will come in force from 1st October 1957 and are subject to revision from 1st June 1959 in light of the recommendations of the Second Pay Commission."

57. Therefore, the position now is that the fixation of the scales of pay for these categories of workmen is at present under the active consideration of a Committee whose recommendations are to be binding on both Bombay Port Trust and its labour, with effect from 1st October 1957. The scales of pay recommended by the 2nd Pay Commission will also have to be applied to these workmen with effect from 1st July 1959. I am not in a position to know, and the parties are not in a position to state, what the scales of pay for these categories of employees will be after the Jeejeebhoy Committee makes its report and the 2nd Pay Commission's recommendations are implemented by the port authorities. No doubt when Government makes a reference it is for the Tribunal to adjudicate upon that dispute and make its award. But, it is impossible to adjudicate upon this demand without knowing what will be the scales of these categories of workmen under the Jeejeebhoy Committee's Report and also in implementation of the Second Pay Commission's recommendations. In view of the fact that the scales of pay for these categories of workmen are directly under consideration by the Jeejeebhoy Committee and are also to be revised in implementation of the Second Pay Commission's recommendations. I do not think the claim of the union for a revision of the existing scales of pay is justified or can be adjudicated upon. The demand, is therefore, rejected as premature as it is not known by either party what the existing scales of pay of these categories are going to be under the Jeejeebhoy Committee's report from 1st October, 1957 and under implementation of the Second Pay Commission's recommendations from 1st June, 1959.

58. Demands Nos. 3 & 4.

Demand No. 3: Should any special payment of bonus be paid to the workmen of the Salvage Section for the work done on the Lock Gates and Caissons. If so, what should be the quantum and basis of the payment?

Demand No. 4: Should workmen of the Salvage Section be paid 25 per cent of their wages for every month for work done on the Gates and Caissons. If so, what should be the quantum and basis and the period for which the special allowance should be paid?

59. These two demands relate to the repairs which were done to the entrance gates of the Victoria Docks and the inner and storm gates of the Alexandra Docks and to the roller path-ways and the Caissons, by the workmen of the salvage section.

60. The workmen's claim for additional payment for this work rests mainly on two grounds; firstly that the efficient and speedy manner in which the workmen of the salvage section had completed this work, had saved the Port Trust considerable revenue, which it would otherwise have lost and secondly that the salvage section workmen are entitled to be specially remunerated for this work, as it was of a special nature and called for extraordinary initiative and ingenuity and also involved considerable risk.

61. The Port Trust in its written statement has denied that the work was of a special nature or called for any special initiative, ingenuity or involved any risk; that the work was put in hand sufficiently in advance to enable a margin of time to the divers to finish the job at the proper time and that the work was not speedily completed; that the only change from the normal practice in the execution of this job was that the workmen worked on a 12 hour shift for which they were fully compensated by payment of overtime under the Minimum Wages Act at twice the ordinary rate of wages; that timely completion of the job had involved no special skill or care and that at best, "only the employers and the shipping companies had not suffered a loss to which they might have been subjected if the work had been unduly delayed owing to a deliberate go-slow or similar tactics on the part of the workmen"; that in any case it was only the divers who were concerned in the work of repairs to the storm and lock gates and the Caissons and that the rest of the workmen of the salvage section had only done their normal jobs; that a similar demand made in respect of the workshop staff engaged on repairs to the storm and inner gates, had been rejected by the employers in February 1959. The Port Trust, therefore, denies that there was any justification for extra payment in the shape of bonus or otherwise for this work.

62. At the hearing details were given of the work involved in removing the inner and storm gates of the Alexandra Docks and the entrance gate of the Victoria Docks and replacing them after they were repaired in the dry docks, and of the work involved in removing the worn out pintles and replacing them with new ones in the wet and also in removing and replacing the segments of the roller pathways and work in connection with the caissons. Shri R. N. Vinekar (E.W-1) in his examination in chief tried to make out that in executing this work no special skill, hazard or speed was involved beyond what is involved in the ordinary day to day work of the divers and the crew of the salvage section and that they had been allowed all the time they wanted to finish the work. Shri Vinekar was searchingly cross-examined by Shri Deshmukh on this opinion of his and I am satisfied on an anxious consideration of the evidence, both oral and documentary on record, that here again Shri Vinekar was not being fair to the workmen of the salvage section, particularly to the divers. As will be seen from the excerpts of the meetings of the Board of Trustees of 12th August 1958 (exhibit W-11) the Trustees did consider the matter of the repairs to the inner and storm gates of the Alexandra Docks and the entrance gate to the Victoria Docks and the caissons, as "of a special nature" and of "pressing urgency". After careful perusal of the excerpt of the proceedings of the meetings of the Board of Trustees held on 12th August, 1958, and of the Chief Engineers proposals and the comments of the members and the statement of the chairman of the Bombay Port Trust (E.W. 11) and of the minutes of meetings of the Port Working Committee (Ex. W. 12), and of the oral and other documentary evidence on record, I am satisfied that the work was of a special nature, involving more than ordinary hazard and skill and that it was expeditiously executed and the salvage section staff, particularly the divers, did a big job in accomplishing this work. In fact, Shri Vinekar had himself shown his appreciation of the work done by the salvage section by giving them a tea party, though at the hearing before me he was anxious to emphasize that he had given the tea party in his personal capacity. All the same, he had to admit that he had in his official capacity recorded his appreciation of the good work done by the divers in the log book. From the evidence, I am satisfied that the union has established the following facts: (1) The work was of an urgent nature and executed as such (2) the divers were made to work overtime because the Port Trust wanted the work to be finished expeditiously and not because they

took their own time to finish the work (3) the work required more than the usual accuracy and skill. The gates had to be so fitted as to be water-tight. In this connection it may be mentioned that the weight of the outer gates and the storm gates was about 270 tons, that being the dead weight of each leaf. To achieve this result very accurate measurements had to be made and all settings had to be accurately done. Shri Vinekar had to admit in cross-examination that this work required accuracy though, he qualified it by saying that it was not precision work. But it must be remembered that the work of resetting the gates and the pintles was done in the blind, and that to expect the divers to achieve precision work in the blind would be asking them to do the impossible. It may here be mentioned that the gates move on the pintles and the pintles had to be accurately set for which centreing of the pintles had to be done and that the removal of the pintles of the storm gates of the Alexandra docks was recognised as quite an achievement because, as stated by the Chief Engineer, "all the previous foremen divers had found it impossible to remove those pintles in the wet."

63. It is admitted that the removal of the old and worn out pintles and the re-setting of the new pintles in the wet, saved the Alexandra Docks Basin having to be closed for 8 or 10 days for pumping out the Alexandra Dock Lock for the renewal of the pintles of the inner and storm gates in the dry, a contingency which was viewed by Mr. Jenkins, the representative of shipping interests on the Board of Trustees, as "a matter of grave concern for shipping". That the non-closure of the Alexandra Dock Basin, saved the Bombay Port Trust a lot of revenue which it would have otherwise lost is also admitted.

(4) It was established that at no other place had the divers to handle nuts, bolts and cotters of the sizes which the divers handled in removing and fixing the pintles.

(5) The lowering of the pintles into the recess had to be done manually to ensure that the pintle fitted properly into the recess which is just larger than the pintle itself.

(6) The salvage sections workmen rigged up the rail bracket from which the pintles were raised and lowered. Special care and skill had to be exercised in all lifting operations to avoid serious accident.

(7) The work of removing and fixing the pintles in the inner and storm gates was carried out when the lock was open to tidal action. That the work was of a hazardous nature is proved by the fact that one of the legs of a deck hand was broken while a pintle was being lifted in October 1958.

(8) The measurements of the storm and inner gates were taken with the help of mild steel plates which were lowered by the floating crane PANVEL. This was accurate work because the senior shipwright foreman depended upon this measurement for the dressingup of the timber for the heel post, the mitre post and sill timber.

64. In this connection I accept the evidence of Shri Gurran, the Senior Foreman Diver (WW-1), when he stated:—

"the dressing has to be done carefully in order to prevent leakage. The measurements of the gates are done by me with the assistance of four other divers because the long template has to be pushed into position against the sill. In order to determine the colour of the sill, the sliding adjusters have got to be properly pressed home and checked to have properly met. This checking is done by a feeler which is a thin metal strip 1/64 in. The contour and the length of the sill is determined in the manner stated above."

(9) That the renewal and re-fixing of the segments of the roller path in the Victoria Docks and segments in the Alexandra Docks was also hazardous work which required skill and was speedily executed.

(10) The work on the caissons involved the divers having to take one measurement of the breadth and height of the groove of the caissons. They also had to clean the grooves before the caissons were sunk into position. The method of measuring the length of the sill of the Alexandra Docks gate but the template here is very small. In the dry docks the divers did the work of the centreing of the caisson on the keel block. For the caissons of the Victoria Docks and the Alexandra Docks special keel blocks had to be prepared and the work with regard to the caissons in the dry docks was exceptional work which was executed with great diligence and skill.

65. I may state that I am not entering into all the details of the work involved in repairs to the gates and the removal and replacing of the pintles and in connection with the caissons and the roller pathways in view of my final finding rejecting the demand.

66. I am satisfied that this exceptional work was a challenge to the workmen of the salvage section, particularly to the divers, and there is ample evidence on record to show that they had proved equal to it. The question, however, is whether the workmen are entitled for this achievement to a bonus or a special monthly payment as claimed under demands Nos 3 and 4 under reference.

67. Shri Deshmukh in support of this claim has stated that in the past the Port Trust rewarded its workmen by grant of bonus or some special payment when exceptional work was done by them. He has in this connection referred to the following three instances:—

(1) Trustees Resolution No. 564 by which one senior foreman diver namely Mr. Mackenzie was allowed to accept Rs. 1000 from the Sciendias for his good services in salvage operations (exhibit W-14) (2) T. R. No. 519 dated 21-9-1926 sanctioning payment of extra reward to the crew of S. T. Rose (exhibit W-15) by which 7 days pay was sanctioned for the special service rendered by them in proceeding to the assistance of a vessel outside Port limits. (3) Trustees Resolution No. 13 dated 8-1-1946 by which the Port Trust had paid a special allowance called "War Gravity" on the basis of one onth's basic pay as on March 1946 for the exceptional and heavy work done during the war.

68. But in my opinion none of these three instances are analogous to the present one or can support the present demand or establish that the Bombay Port Trust has accepted the principle of rewarding every special piece of work by grant of bonus or an extra payment. No doubt the workmen of the Port Trust had done an exceptional piece of work, but in my opinion the grant of any bonus or extra payment for such extraordinary work would be a matter for the employers to decide and is not one over which the workmen would be justified in raising an industrial dispute or the Tribunal justified in imposing its own judgment upon the employers. It must be remembered that the satisfaction of an extraordinary job well done to a certain extent, should be its own reward and that the tendency for workmen to ask for extra payment or bonus for every job well done is not to be encouraged, the more so in the public sector like the Bombay Port Trust.

69. I might have been inclined to recommend to the Trustees a token payment to the workmen of the salvage section, specially the divers, for this work but I am not doing so as the workmen continued the strike which they had launched over this and the other demands even after its continuance was prohibited by the Government's Order dated 11-3-1960 under section 10(3) of the Industrial Disputes Act, 1947.

In the result, I reject the demand.

70. Demand No. 9: Whether workmen doing the work of maintenance overhauling of diving pumps and diving gears be designated as fitters?

71. The union in its statement of claim has stated that some of the linesmen of the salvage section are required to do the work of maintenance, repairs, and overhauling of the diving pumps, gears etc., in addition to the normal duties of the linesmen. At present they are not given any payment for this extra work which according to the union requires considerable amount of skill and involves great responsibility. It is, therefore, demanded that such linesmen should be designated as linesmen fitters and be given the grade of Rs. 120-10-220.

72. The Port Trust in its written statement has submitted that even though the tending of the diver's life line is the main work of the linesman, his duties have always included the care, up-keep and maintenance of the diver's dress and gear, also the overhauling of the diving pumps and gear and this work cannot be said to fall outside the scope of the normal duties of the linesman. It is urged that the diving pumps are simple and sturdy machines which call for no special skill in their maintenance and that even an unskilled *mazdoor* could be trained in a short time to carry out the work satisfactorily. The work which includes the removal and cleaning of valves, replacement of strings when required and changing of the leather cup of the piston when worn out, is of a simple routine nature, for which no particular skill is required. Such work also is not required to be carried out every day and can easily be done by the linesmen when they are not attending on the divers. Accordingly, it is submitted by the Port Trust that there is no justification for changing the designation of the linesmen or for revising their pay scales.

73. The existing scale of the linesmen is Rs. 54-2-70 which is the scale for the lowest category of workmen. The question as to what should be the proper scales of pay for linesmen will also be considered by the Jeejeebhoy Committee. There is no doubt that the linesmen have all along been doing the work of maintaining and overhauling the diving pumps and diving gear and it appears from the evidence that they have ample time during their duty hours as the average actual time during which they have to do the work of tending the line of the diver, is about two hours during the shift. I am not satisfied that the work of maintenance and overhauling of the pumps requires any special skill or extra responsibility as alleged by the union. There does not, therefore, appear to be any justification for this demand which is rejected.

74. Demand No. 10: Is there any justification for any allowance for linesmen for looking after the lines and pipes? If so, what should be the quantum and basis for payment?

75. The union, in support of this demand, has urged that while the divers are under water the only source of communication with the outside world is his linesman or attendant; that there is a code of signals which every diver and linesman is required to master and interpret properly without any loss of time; that this is necessary both in the interest of efficient work and the life of the diver who is under water. It is further stated that slight negligence, or loss of concentration or attention or hesitation in action will cause delay or defect in work and even the loss of a diver's life. Though the linesman's life itself is not in danger it is argued that the life of the diver under water depends almost completely on the alertness and efficiency of his linesman. For this high sense of risk and responsibility which he carries, the union claims for him the payment of an allowance of Rs. 2/- per hour for the period for which the diver is under water and the linesman is in attendance on him.

76. The Port Trust in its written statement has admitted that the linesman has to be alert during the period the diver is under water and that any negligence on his part might have undesirable consequences. But it is stated that his work does not involve any special skill or strain or responsibility beyond the ordinary obligation of every workman not to be negligent in the performance of his duties; that the code of signals referred to by the union is a mutually arranged code between the diver and the linesman, easy to learn and interpret; that the linesman works from the boat and is not in any way exposed to danger or risk. The Port Trust argues that the demand for an allowance based on the ground that failure on the part of the linesmen to be alert and attentive would result in serious consequences, is patently untenable.

77. I have seen the linesman performing his duty and I am inclined to agree with the contentions urged by the Port Trust. It is the normal duty of a linesman to be diligent and alert while actually at his work which on an average is not for more than two hours a day at the most. The diver does hazardous work and is therefore paid a diving allowance. The same cannot be said of the linesman. I am not satisfied that there is any case made out for an extra allowance for the linesman. The demand is therefore rejected.

78. Demand No. 11: Should any or all the demands mentioned above be given effect from 1-11-1959 as demanded by the Union? If not, what should be the date of implementation, if any?

79. The union claims the benefit of this award from 1-11-1959, mainly because the demands in regular form were made in November 1959, except for demand No. 7 which is for scales of pay. I have already under my directions under each of those demand when I have allowed some relief, stated the date from which my direction is to be operative and no further directions are therefore necessary.

80. Before I part with this reference I should like to express my appreciation of the assistance I have received from Shri S. D. Nariman, the legal adviser for the Bombay Port Trust and Shri S. J. Deshmukh, the Assistant Secretary of the Union. I would in particular like to express my appreciation of the study and labour put in by Shri S. J. Deshmukh in the conduct of this case and the fair manner in which he made his submissions.

81. As the workmen have partially succeeded in this reference, I make an order for Rs. 150 as costs, in favour of the Union.

82. Now, therefore, I make my Award in terms aforesaid.

SALIM M. MERCHANT,
Presiding Officer.

[No. 28/10/60/LR.IV.]

A. L. HANDA, Under Secy.

New Delhi, the 28th September 1960

S.O. 2463.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under section 33A of the said Act, from Shri Parma Singh, Miner, Jamadoba Colliery, P.O. Bhowra, District Dhanbad.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.

APPLICATION No. 5 of 1960

(arising out of Reference No. 60 of 1959)

In the matter of a complaint under Section 33A of the Industrial Disputes Act, 1947 (XIV of 1947) since amended.

PARTIES:

Shri Parma Singh, Miner, Jamadoba colliery, P.O. Bhowra, Dist. Dhanbad.
Complainant.

Vs.

Management of Jamadoba colliery, P.O. Bhowra, Dt. Dhanbad.—*Opposite party.*

PRESENT:

Shri G. Palit, M.A.B.L.,—*Chairman,*
Central Government Industrial Tribunal, Dhanbad.

APPEARANCES:

Shri B. N. Sharma, Member, Executive Committee, Colliery Mazdoor Sangh,
for the complainant.

Shri G. Prasad, Chief Personnel Officer, for the employer-company,—
opposite party.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, the 13th September 1960

AWARD

This is a complaint purporting to be one under Section 33A of the Industrial Disputes Act, 1947 (XIV of 1947) seeking redress against the order of dismissal passed by the opposite party sometime in May 1960 with reference to an occurrence said to have taken place on 13th February 1960. The complainant has been charged originally on 21st February 1960 under the Standing Order No. 19(11) but the said charge was dropped after enquiry by the management. Another charge was brought up on 3rd March 1960. There was an enquiry and the complainant has been dismissed under the Standing Order No. 19(5) on 25th May 1960. His contention is that he was a machine cut loader in the Jamadoba colliery for over 9 years with a clean record of service. The management is alleged to have dismissed him suspecting that he was a leader of the movement of the miners not to load more than one mine car a day. It is the contention of the complainant that Section 33A is maintainable in law because section 33(2)(b) of the Industrial Disputes Act, 1947 has been violated in the present case. The management did not comply with the formalities of the said section. It has dismissed him without prior sanction or subsequent approval from the Tribunal before which the main reference, namely Reference No. 60 of 1959 was pending. The management contends that Section 33 has not been violated because the complainant was not concerned in the dispute pending before the Tribunal. As such, the present application which pre-supposes the infringement of Section 33 of the Act is not tenable in law. The complainant's story has been denied.

2. Coming to the legal objections first, I find that there has been some misconception of the management concerning the position in law about the maintainability of the present complaint under Section 33A of the Act. If the complainant was not concerned in the dispute then, of course Section 33(2)(b) of the Act would not be contravened, and the complaint under Section 33A would not lie. But the expression 'concerned in the dispute' mentioned in Section 33(2)(b) of the Industrial Disputes Act, 1947 does not require that the workman should be directly concerned in the dispute. That was, of course, held in *New Jehangir Vakil Mills Vs. Its workmen* decided by the Bombay High Court and reported in 1958 L.L.J. Vol. II.

page 573. But now it is enough if there was a case pending between the management and the workman in the particular establishment of which the workman concerned is an employee. In other words, the expression in question was to be given not a narrow meaning but a broad one. This was held by the Hon'ble Supreme Court in *New India Motors (Private) Limited and Morris (K.T.)* and reported in 1960. L.L.J. Vol. I, p. 551. So the aforesaid Bombay decision on which the management relies is no longer good law. The contention of the employer is thus untenable.

It must, of course, be held that a case under Section 33A could never be maintained unless there is contravention of Section 33 of the Act. But in the present case it is admitted by the management that there has been no application for approval by the management of the action taken against this workman from the Tribunal before whom the original reference namely, Reference No. 60 of 1959 was pending at the time. The other formalities mentioned in section 33(2)(b) proviso have also not been complied with. So there is a clear infringement of Section 33(2)-(b) of the Industrial Disputes Act, 1947. As such, this case under Section 33A is found to be in order legally.

3. But the mere fact that there has been a contravention of Section 33 would not at once entitle the complainant to have the requisite relief. For that the case has got to be gone into on merits. In this case there was initially a charge sheet against this workman being No. 83 of 1960 dated 17/21 February 1960, under the standing order No. 19(11). This standing order stands as follows:—

"Malingering or slowing down work."

In this case there is no malingering because there is no allegation of feigning sickness just to avoid work. The other element of slowing down of work by this workman has got to be established under this charge. But if I look to the first charge sheet (Annexure A to the company's written statement), I find that strangely enough in that charge sheet Shri Parma Singh has not been charged for slowing down work himself. He has been charged for inciting miners and loaders on 11th February 1960 while he was on duty, to slow down production, namely to load only one mine car and not more. As a result of this, there has been less production on the subsequent two days. In the reply to the charge sheet Parma Singh had definitely stated that his gang loaded 11 mine cars on 11th February 1960. On 12th February 1960 only one mine car was loaded. On 13th February 1960 as many mine cars as were supplied were fully loaded. Regarding the loading on 12th February 1960 he says that the loco was out of order. Now this evidence goes unchallenged by the management at any time. The records must have been in the custody of the management. As the same is withheld, it can very well be presumed that Shri Parma Singh's version on this point is correct. So, so far as Shri Parma Singh's slowing down of work in his own gang is concerned, the charge falls through. Next, I look to the charge of inciting other miners and loaders to slow down work. The standing Order No. 19(11) does not cover that. Now one may very well pause and consider that if a man himself gives full out-turn of production in his own gang, can he persuade others just to refrain from giving the full loading? Next, even if I look to the evidence of this alleged incitement I must without hesitation say that the evidence is extremely meagre, if not nil. What I get from the evidence of both sides is that there was a crowd near the Assistant Manager's office on the 12th and the 13th February 1960. The crowd had swollen to 200 or 300 mine cutters. They all agitated, namely, that not more than one mine car should be loaded. It is not even alleged that Parma Singh had delivered any speech to incite the workers or had taken any leading part in this agitation. The management has examined three witnesses namely, Chota Gangadin, Babulal and Narottam Upadhyaya. Chota Gangadin has stated in the enquiry held by the management on 27th February 1960 that he was in the hospital upto 5 p.m. on 11th February 1960. It was on 13th February 1960 that he had gone to the colliery Assistant Manager to have a fit certificate. So he is at best a chance witness as we call it. He says that there was a crowd of miners gathering in the enclosure over there. He does not speak anything about Shri Parma Singh inciting other persons not to load more than one mine car. He only speaks about the alleged assault of Narottam which is the subject matter of the second charge sheet. Then Babulal also says that on 13th February 1960 he found this crowd of miners clamouring not to load more than one mine car per working face. He also does not say that Parma Singh took any leading part in the said agitation. Then Narottam says that on 12th February 1960 Mahadeo and many other miners asked him not to load more than one mine car. They even held out threats but he does not mention Parma Singh to have been in the said crowd. So, so far as the charge of inciting the miners to slow down against Shri Parma Singh, it palpably falls through, there being no evidence. Now if from this evidence, the enquiry officer

comes to the conclusion that Parma Singh was guilty of slow down work himself, or inciting others to slow down work, I should say that the finding would be absolutely perverse. Rather the evidence that is on record goes to indicate that Parma Singh, if he was present at all, did not take any leading part in the said agitation. I must thus find that the charge under the standing order No. 19(11) has not been established. Instigation of other workers is outside its scope but even if such instigation is assumed to be included in the said standing order, the charge has not been brought home to the accused Parma Singh. I agree with the C.M.E. for holding that the enquiry report does not establish the guilt of Parma Singh under the Standing Order No. 19(11) and he advisedly dropped this charge.

4. Then I come to the other charge sheet, namely, No. 119 of 1960. The enquiry was held on 4th March 1960. The second charge sheet is marked Exhibit C(1). I find in the body of the said charge sheet that when the previous charge sheet of 83 of 1960 was being enquired into on 27th February 1960 it transpired that Parma Singh had also assaulted Shri Narottam Upadhyaya when he refused to follow his advice of slowing down production. The learned Chief Personnel Officer (Shri G. Prasad) wants to bank on the second charge sheet. He argues that the company must be taken to be above prejudice because it did not like to accept a charge till it was proved to the hilt. The union, on the other hand, represented by Shri B. N. Sharma contends that the company was bent upon punishing Shri Parma Singh at all costs. If one charge failed, the other charge was put up so that Parma Singh might not escape. The interval between the two charge sheets is alleged to show that the company was between two minds. The company ultimately dismissed Shri Parma Singh as late as in June 1960 for an offence of 13th February 1960. Whatever may be the background in which the second charge sheet has been set up I do not attach much significance. But I am concerned with the position whether the evidence before the enquiry officer was sufficient or fell short of substantiating the said charge. Now analysing this charge sheet, I have to find that Parma Singh had assaulted Narottam Upadhyaya. The object of the assault was because he refused to follow his advice of slowing down production. Now regarding the element of Shri Parma Singh having given any advice to Narottam Upadhyaya to slow down production, I find that the evidence is nil. I have before me the evidence only of these three witnesses before the enquiry, namely, Narottam, Babulal, and Chota Gangadin. They figured as witnesses both in respect of the previous charge sheet as well as in respect of the second one before me. Scrutinising the evidence of these three witnesses I find that there is a noticeable improvement in the evidence in the second enquiry as compared to the first. The interval seems to have given them time to remove the lacuna in the first evidence. For instance, in the second evidence Narottam says that not only his hand was caught by Parma Singh but the latter even twisted it. Mere catching might fall short of constituting assault. So twisting was introduced.

Next, in the first enquiry Narottam mentions Mahadeo and others having given him peremptory orders not to load more than one mine car, on 12th February 1960. But in the second enquiry he mentions Parma Singh with Mahadeo. This shows his ardent desire to implicate Parma Singh in the affair. Now if Parma Singh did not ask him to load more than one mine car a day, then the very plank on which the charge has been made to rest disappears. Parma Singh is said to have assaulted Narottam only because he is alleged to have disregarded his advice as is mentioned in the order sheet.

5. Next, I turn to the positive evidence led on the point of assault of Narottam. Here Narottam Upadhyaya tried to fasten the guilt of assault on Parma Singh, Mahadeo and Jungly Miner. Mahadeo and Parma Singh are said to have caught each his hand while Jungly picked up brick bats to hit him. Babulal and Chota Gangadin rescued him from their clutches. If for corroborative evidence I look to Babulal, I find that he has stated that two persons had caught the hands of Narottam Upadhyaya but he could not recognise them in the crowd. Now Chota Gangadin mentions only Parma Singh having caught Narottam's hand but he does not mention Mahadeo. He further says that Jungly asked Narottam why the latter loaded more than one mine car. Now this is all the evidence that is there on the management's side to bring the charge of assault home to the accused Mahadeo might have cause for assaulting Narottam because he disobeyed his advice. But Parma Singh had no occasion to assault because he did not give any such advice on the previous day as the evidence indicates. Now the case against Mahadeo and Jungly has been dropped. The learned Chief Personnel Officer (Shri G. Prasad) of the management says that the case against Jungly has been dropped because he picked up brick bats to strike Narottam but he did not actually hit him. He does not say if the catching hold of the hand is such an offence which cannot be condoned. Even then he must have some explanation for letting Mahadeo off, but there-

is no such explanation forthcoming. So if from all this the union contends that the management was pre-determined to punish Shri Parma Singh I cannot brush aside such contention summarily.

6. Having regard to these facts and circumstances I find that the charge of assault against Parma Singh does not appear to have been substantiated before the enquiry officer. The enquiry officer seems to have been under the impression that the accused man must prove his innocence. Parma Singh examined, no doubt, six defence witnesses. They have stated that they did not either see the occurrence or left before the relevant time. Now, if it is noticed that Parma Singh had taken the defence of alibi how can he then prove the negative, I mean, his absence? He might have been in the crowd but that does not mean that he did take part in the assault. The assault must be proved by positive evidence. I do not think that the view which the Enquiry Officer took against Parma Singh on the evidence before him is a possible view on the matter. Further the charge under 19(5) of the Standing Orders is also disorderly behaviour or rioting. Does the evidence even if proved amount to disorderly behaviour or riotous conduct? There was a crowd clamouring against loading more than one mine car a day. If anybody is there he cannot be charged unless it is proved that he had taken any leading part in the affair. That has not been proved against Parma Singh. About his actual assault I have already shown that the evidence is far more convincing. So any finding of guilt based on such evidence is liable to be rejected as perverse.

7. About the legal position, if the finding of the enquiry officer is found by the Tribunal to be perverse contrary to the evidence on record before the enquiry officer, then the Tribunal can intervene. Besides, if there is victimisation of the workman the Tribunal also can interfere. Now victimisation may be of two kinds, viz. (1) where a workman is innocent but the management may have from some ulterior motive, may be for his union activities, punished, (2) the workman may be guilty but the management either for the workman's union activities or for other extraneous reasons has inflicted upon the workman an extreme penalty, namely, dismissal which is out of all proportion to the offence committed *vide* Calcutta High Court—National Tobacco Co. of India Limited *Versus* 4th Industrial Tribunal and others, reported in 1960-L.L.J. Vol. XX, page 180). Victimisation may also be presumed where out of several persons committing the same offence, some are let off with impunity while others are punished heavily either for their union activities or for other reasons. Such discrimination would stand self-condemned (*vide* the case reported in 1959-L.L.J. Vol. I, page 450). In the present case it is elicited that Mahadeo and Jungly miners who were also charge sheeted for assaulting Narottam and Parma Singh have been let off while Parma Singh has been dismissed for the same offence. The extreme penalty of dismissal for the alleged offence in question appears also to be too harsh, and unwarranted. Further, the finding of guilt by the enquiry officer has been found to be perverse. So there is victimisation made out here. The Tribunal will be failing in its duty if it does not interfere in such a case.

8. So, I award that Shri Parma Singh will be reinstated in his former post or post with equivalent prospects as soon as the award becomes operative. Regarding his claim for back wages, I allow compensation at half wages at a rate which he drew at the time he was dismissed during this period of forced unemployment from his dismissal upto the time he is reinstated. As he did not render service during this period and the company did not have any benefit thereof, I do not allow full compensation. No order for costs

G. PALIT,

Chairman,
Central Govt. Industrial Tribunal,
Dhanbad.

Dhanbad.

13th September 1960.

[No. 1/48/59-LRII.]

New Delhi, the 1st October 1960

S.O. 2464.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Messrs B. Patnalk Mines (Private) Ltd., and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.

REFERENCE No. 16 OF 1960

PARTIES:

Employers in relation to Messrs. B. Patnaik Mines (Private) Ltd.

AND

Their workmen.

PRESENT:

Shri G. Palit, M.A., B.L., -*Chairman*,
Central Government Industrial Tribunal, Dhanbad.

APPEARANCES: None.

STAT: Orissa.

INDUSTRY: Mining.

Dhanbad, the 21st September 1960

AWARD

The Government of India, Ministry of Labour & Employment, by its Order No. 23/4/60-LRII dated 17th March 1960 made in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (XIV of 1947) referred the aforesaid dispute to the Central Government Industrial Tribunal, Dhanbad, presided over by me for adjudication concerning the matters as per schedule below:—

"(i) Whether the termination of services of Shri A. K. Paul, Garage-in-charge, by Messrs. B. Patnaik Mines (Private) Ltd is justified;

(ii) If not, to what relief is he entitled?"

2. It is the contention of the workman in the present case that he was not given any charge sheet nor was assigned any reason for his immediate discharge from service (vide management's letter No nil dated the 11th July 1959). This is said to be an unfair labour practice. He claims reinstatement. It is the contention of the management that Shri Paul came under the employment of Messrs. B. Patnaik Mines (Private) Limited as a Garage-in-charge from 1st January 1959 as a new hand. As most of the vehicles of the said company went out of order and many disposed of, the necessity of maintaining a garage-in-charge was no longer there. So the service of Shri A. K. Paul was terminated as no longer required with effect from 11th July 1959. As he did not complete one year of continuous service under the concern, he was not entitled to any notice or compensation.

3. It was on 21st June 1960 that the Tribunal was addressed for granting an adjournment because mutual settlement was being attempted. This telegram was received from Patnaik Mines Union. Thereafter on 31st July 1960 the C.M.E. of the said mine stated that a mutual settlement was going to be arrived at very soon and some adjournment was prayed for. Then the Tribunal received another telegram from Messrs. B. Patnaik Mines (Private) Limited and Shri A. K. Paul that the Reference No. 16 of 1960 was mutually settled and papers were following. Again on 1st September 1960 another telegram was received stating that due to the floods, stamps could not be procured and affidavit could not be filed before the Magistrate. Then finally on 14th September 1960 Shri A. K. Paul has filed this petition supported by an affidavit that he has been paid Rs. 1000/- (one thousand only) in full and final settlement of all his dues and claims against the company and that all disputes between the parties have been fully and finally settled. The Tribunal, however, sent another notice asking the employer to join in the said petition but no reply has been received as yet. I do not think it worth while to hold up the award pending such action on the part of the management, because from the circumstances enumerated above, it is perfectly clear that the dispute in question has been finally settled. So I award in terms of the petition filed supported by an affidavit which find place in the appendix that the Reference is disposed of. I make no order for costs.

G. PALIT,

Chairman.

Dhanbad,

Central Govt. Industrial Tribunal

21st September 1960.

Dhanbad.

APPENDIX

IN THE COURT OF INDUSTRIAL TRIBUNAL, DHANBAD

(Set out cause title)

REFERENCE No. 16 of 1960

Shri Ajit Kumar Paul, Vs. M/s. B. Patnaik Mines (P) Ltd.

The humble petition of Ajit Kumar Paul, the workman above-named most respectfully:

SHEWETH:

1. That all disputes and differences between your petitioner Ajit Kumar Paul and the Company above-named have been fully and finally settled between the parties to the entire satisfaction of your petitioner Ajit Kumar Paul.

2. That the petitioner has been paid Rs. 1000/- in full and final settlement of all his dues and claims against the opposite party.

Your petitioner, therefore, humbly prays that the above mentioned industrial dispute as against the company may kindly be dropped and struck out.

(Sd.) A. K. PAUL,

Accepted.

G. PALIT,

Chairman,

Central Govt. Industrial Tribunal,

Dhanbad.

21st September 1960.

IN THE COURT OF SHRI UDAYANATH PATNAIK, MAGISTRATE 1ST CLASS, BARBIL

AFFIDAVIT

1. Shri Ajit Kumar Paul (A. K. Paul) S/o Sd. Kalicharan Paul, Village: Habibpur, P.O. Midnapur, Dist. Midnapur at present care Shri M. N. Ghose, Mine Owner, Post Barbil, Keonjhar Distt. Orissa, do hereby solemnly affirm that I have signed the withdrawal petition in respect of Reference No. 16/60 before the Central Government Industrial Tribunal, Dhanbad, and hereby declare that the disputes and differences between me and Messrs. B. Patnaik Mines (Private) Ltd. have been fully and finally settled to my entire satisfaction. I sign this affidavit this the 8th September 1960 at 3-45 p.m. within the Court Premises, Barbil.

(Sd.) A. K. PAUL.

Shri Ajit Kumar Paul, s/o Kalicharan Paul of village Habibpur, P.O. Midnapur, Dt. Midnapur solemnly affirm this day at 3.45 p.m., the contents of this affidavit identified by Shri N. K. Bose, General Secretary of K.M.T.W. Union, Barbil.

(Sd.) U. PATNAIK,

Magistrate.

8th September 1960.

Seal.

Accepted.

G. PALIT,

Chairman,

Central Govt. Industrial Tribunal,

Dhanbad.

21st September 1960.

[No. 23/4/60-LR.II.]

New Delhi, the 4th October 1960

S.O. 2465.—In exercise of the powers conferred by clause (1) of article 258 of the Constitution, the President, with the consent of the Government of Bihar, directs that the following amendment shall be made in the notification of the

Government of India in the Ministry of Labour and Employment No. S.O. 783 dated the 6th May, 1958, namely:—

In the Schedule to the said Notification—Item 4 shall be omitted and items 5 and 6 shall be renumbered as items 4 and 5 respectively.

[No. 55-1/20/57-LRII.]

ORDER

New Delhi, the 24th September 1960

S.O. 2466.—Whereas the Central Government is of opinion that an industrial dispute exists between the Assam Railways and Trading Company Limited, Margherita and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Determination of the wage structure of all the workmen employed in the collieries of Assam Railways and Trading Company Limited in terms of the settlement dated the 31st July, 1959.

[No. 4/57/60-LRII.]

S. N. TULSIANI, Under Secy.

